

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

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

Members Absent: Patti Gregory & George Meister

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

**County Board
Members Present:** Kevin Dawson, County Board District #20
Michael O'Donnell, County Board District #22
Jana 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 Deitz to approve Minutes of February 4, 2019. Second by Howell.
Motion carried.

Public Comment

There were no comments from the public.

New Business – Case #1

Subject Case #2018-36-SP, Joseph G. & JoAnn Maty Co-Trustees, 402 Portland Avenue, Belleville, Illinois, owners and Trinity Services, Inc., 973 N. 6th Street, Mascoutah, Illinois, applicants. This is a request for a Special Use Permit to modify/amend an existing Planned Building Development that was previously granted pursuant to 40-9-3(H)(3), in that the applicant desires to modify/amend the site plan submitted in case 2010-01-PD to allow the further division of the existing two parcels of property consisting of 9.22-acres, 6.45-acres, and 26.53-acres, respectively in an “A” Agricultural Industry Zone District on property known as 11858 & 11878 Zimmerman Road, Mascoutah, Illinois in Engelmann Township. (Parcel #15-22.0-200-010 & 011)

Joseph Maty, Trustee

- Mr. Maty explained the Maty Trust owns the 40 plus acres that constitutes the two parcels in question. He explained the Maty Trust leases both parcels to Trinity Services, Inc.
- Mr. Lowery –Director of Trinity Services Southwest Illinois operations introduced himself. He explained Trinity built two homes on the parcels for people with intellectual disabilities to reside. The parcels have been developed into a community program that consists of gardens, walking trail, culinary program, swings, education and rehabilitation. Mr. Lowery stated the goal is to continue these services, for those who reside on site.
- Mr. Maty explained that the Maty Trust would like to sell two smaller tracts at the front of the parcels to Trinity Services, Inc. Mr. Maty explained the long term plan was that Trinity would assume ownership as well as management of the entire property.
- Mr. Maty explained the operation will remain the same and the division will allow Maty Trust to retain ownership of the lower 26-acres of the property.

Discussion

- Chairman Penny confirmed both homes on the parcels are used for disabled individuals to live in. (The applicant stated that is correct.)
- Chairman Penny asked how the homes are subdivided into living quarters. (The applicant explained there is a capacity for 8-women in one home and 8-men in the other home.)
- Chairman Penny asked how many individuals presently occupy the homes. (Mr. Lowery stated there are currently 7-men and 6-women occupying the homes.)

- Ms. Edwards asked how the Maty Trust will access the 26-acres. (The applicant stated there will be 50 ft. of access to the back of the property as shown on the site plan.)
- Mr. Schneidewind asked why doesn't Trinity purchase the entire parcel. (Mr. Maty stated the applicants do not use the larger section of the parcel.)
- Mr. Schneidewind asked if the Trust has any intent to build a structure or house on the third parcel. (Mr. Maty stated there are no plans at this time. He explained the plan is for the property to remain Agricultural.)
- Mr. Schneidewind asked what the pole barn on the property is used for. (Mr. Lowery stated the pole barn is used for the art program, culinary program, there are restrooms and a pool out there.)
- Ms. Edwards stated she was on the board when this hearing was approved. She stated, she is glad to see the program working efficiently, however she feels granting the division would create a hardship on the parcel to the rear because of the long driveway and access. Ms. Edwards stated she feels the owner would put a hardship on the property in the rear. (The owner stated he does not feel this would be a hardship because the Trust would retain ownership of that 50 ft. He also stated Trinity may own the entire parcel in the future.)
- Ms. Edwards stated she feels granting this division would be spot zoning because there are no similar divisions in the area.
- Ms. Deitz asked Mr. Lowery if Trinity would purchase the entire parcel if it was available to them. (Mr. Lowery stated if the price is right, Trinity would be interested in purchasing the entire parcel.)
- Mr. Schneidewind asked if eventually Trinity will purchase the entire parcels, why the division is on the table at this time. (Mr. Maty stated it is very important to the Trust that the lease was designed to accommodate Trinity and it is the Trusts way of gradually turning the property over to Trinity. He explained he has a vested interest in the business, and would not want Trinity to sell the entire property in the future.)
- Mr. Schneidewind explained that if divided, Trinity could still sell the property. (Mr. Maty responded that is correct, however they would not have the entire site.)
- Mr. Schneidewind stated after reading through the minutes of the previous case, the idea was to preserve this area with the larger parcels and given the type of use it would also act as a buffer zone.
- Chairman Penny stated he is having trouble justifying allowing a third division of this parcel. He stated he also feels this division would be precedent setting.
- Ms. Markezich asked if the division is not approved by this board would Trinity continue its operation at this site. (Mr. Lowery stated they have not

had that conversation but stated they (Trinity) are not going anywhere because they have already made the investment to the property.)

- Ms. Deitz asked the applicant how long their lease is currently with Trinity Services. (The applicant stated 25 or 50-years. The answer was unclear.)
- Mr. Howell asked if the residents are incapacitated. (Mr. Lowery stated they are not. He explained some residents are their own guardians, some have state guardians, some have their parents as guardians, some are dependent on staff and some are independent.)
- Mr. Howell asked if there is staff on site 24/7. (The applicant stated there is 24-hour staffing, when there are residents in the home.)
- Ms. Edwards stated the board has already been through the operations of the homes, and feels it has been successful, she feels this is a Zoning issue that is not the highest and best use of the property.

Public Testimony

There were no persons present for public testimony in this matter.

Further Testimony

County Board Member, Kevin Dawson stated he spoke to Mr. Lowry and agrees that Trinity Services is a fantastic operation and understands the precedent setting issue brought up but tends to agree with Mr. Maty that with some simple tweaking of the contract and possibly a right of first refusal option back to the Trust would solve the potential issue of a 3rd party in the future.

Mr. Dawson also stated displacing what Trinity Services has done and creating an issue for the Trust in the future use is a concern. He stated he sees the advantage of Trinity Services owning the land and continuing to further develop this land, without being somewhat responsible for improving someone else's property regardless of how long the lease is. Mr. Dawson stated he is in support of this variance despite the fact that this is a trend setting type variance, and feels this is the highest and best use of this property.

MOTION by Deitz:

Regarding Case 2018-36-SP – Based upon the review of the area in question, based upon the review of the transcript of the hearing involving 2010-01-PD and the Zoning Board of Appeals discussion and decision, and ultimate requirement that the parcels be divided equally in order to approve the construction of the two group residences for adults with developmental disabilities, I do not believe a further division of these two parcels to be in harmony with the area in question, or the Zoning Board of Appeals prior decision, and I do not believe such would

adequately protect the public's general wealth, safety and welfare and physical environment. Based upon the foregoing, I make a motion to deny.

Second by Edwards.

A roll call vote:

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

Chairman Penny stated this case has been denied by this board and will go before the County Board for final consideration.

New Business - Case #2

Subject Case #2018-33-SP – BSC Storage LLC dba Mid-America Storage, 223 Southwoods Center, Columbia, Illinois, owners and Mark Frierdich, 223 Southwoods Center, 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 the expansion of an existing mini-warehouse business in an "A" Agricultural Industry Zone District on property known as 4310 East State Rte. 161, Belleville, Illinois in Shiloh Valley Township. (Parcel #09-23.0-101-005)

Ms. Markezich explained to the board members that after a Text Amendment was denied by this board to allow outside storage in 2018, there were three storage facilities that were turned in for having outside storage. She explained this will be the first of three upcoming hearings of facilities that have been red-tagged.

Mark Frierdich, Owner/Applicant

- Mr. Frierdich stated he purchased this storage facility approximately one-year ago.
- Mr. Frierdich explained when he purchased the property there was approximately 50 boats, RV's and campers stored outside on the property.
- Mr. Frierdich explained he was red-tagged by the Zoning Department for outside storage in December, 2018.
- Mr. Frierdich stated he is in the process of removing all of the outside storage and is asking to construct more mini-warehouses.

- Mr. Frierdich stated he would like to construct four more buildings, which is approximately 100-units. He stated one building was removed, so there will be three additional.

Discussion

- Chairman Penny asked how many vehicles were stored outside on the property when he purchased it. (The applicant stated there was approximately 50 vehicles stored on the property and he is down to approximately 10 at this time.)
- Mr. Schneidewind confirmed the applicant will have 30' x 120', 40' x 120', 40' x 170' and 40' x 120'. (The applicant stated the building sizes are correct.)
- Chairman Penny asked if there will be no outside storage on the property after completion of the buildings. (The applicant stated there will be no outside storage on the property.)
- Mr. Schneidewind asked the applicant if the entire parcel is rocked. (The applicant stated that is correct, the entire parcel is rocked and fenced.)
- Mr. Schneidewind stated the LESA score is 171, which is low and is not relevant for this property because the entire parcel is rocked.

Public Testimony

There were no persons present for public testimony.

Further Testimony

County Board Member, Jana Moll stated she was not contacted by the homeowner and stated she will support the decision made by the Zoning Board of Appeals.

MOTION by Deitz:

Regarding Case #2018-33-SP – Based upon review of the area in question, review of historical zoning files for this parcel of property, the proposed Special Use Permit allowing the expansion of a currently existing mini-warehouse facility will not be injurious to the public health, safety and welfare and physical environment; the request will not negatively affect the character of the neighboring properties or their respected uses. Based upon the foregoing, I recommend this Special Use Permit be granted.

Second by Heberer.

A roll call vote:

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

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

New Business Case #3

Subject Case #2018-35-SP, Dan & Megan Flowers, 660 State Rte. 158, Columbia, Illinois, owners and applicants 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)

Dan Flowers, Owner/Applicant

- Mr. Flowers stated he is asking for a Special Use Permit to store equipment and materials on the proposed property, for his pool business.
- Mr. Flowers stated he was flagged for having this operation.

Discussion

- Chairman Penny asked Ms. Markezich to explain how this property was flagged. (Ms. Markezich stated the Zoning Department received a complaint regarding two pools sitting at the front of this property. She explained that during an inspection of the property it was found that he is not zoned for the pool business he was running on the property for the past 9 years.)
- Chairman Penny asked what are the items he was looking at on the aerial photo. (The applicant explained there are pallets of stone stored on the property.)
- Ms. Markezich asked the applicant if he realized that a portion of his storage was on his neighbor's property. (The applicant stated he has a rental agreement with the neighbor Kathleen Hawkins in order to use that space.)

- Ms. Edwards asked the applicant if he lives on this property. (The applicant stated his home is on the adjacent parcel, across the county line in Monroe County.)
- Ms. Markezich asked the Zoning Attorney, Mr. Schneidewind if the fact that part of the business is on Ms. Hawkins property, would the application need to be revised. (Mr. Schneidewind stated if the application were approved and the applicant wanted to keep the storage on the adjacent property, Ms. Hawkins would have to file for a hearing as well. (The applicant stated he can remove the storage from the adjacent parcel.)
- Ms. Markezich stated she visited the site and there are fireplaces and tiki huts on the property used for landscaping purposes. (The applicant stated the tiki huts were built for the St. Louis Home & Garden show, which is this weekend. He stated the fireplaces are from the home show as well. He stated the fireplaces are sold and are just waiting to be moved to the job-sites.)
- Ms. Edwards confirmed there are 14-employees that start work from this location, every day. (The applicant stated he does have 14-employees, but most of them have a company vehicle and go directly to the job-site.)
- Ms. Edwards asked if there is public water at this site. (The applicant stated he is on a well, he explained there is a tap at the road but he has not felt the need to connect.)
- Ms. Edwards asked if the applicant is on a septic system and if he has facilities for his employees. (The applicant stated he does not have facilities for employees.)
- Ms. Edwards stated generally the Zoning Board requires you to have facilities for the employees. (The applicant explained there is rarely anyone at the shop; he explained they build patios, swimming pools, outdoor kitchens at the homeowner's property.)
- Ms. Edwards stated hours of operation are 7:00 AM to 5:00 PM, Monday through Friday.
- Ms. Edwards asked if customers come to this location. (The applicant stated he does not have customers come to this location.)
- Ms. Edwards asked the applicant to walk through the daily operation at this location. (The applicant stated if employees show up at this location it's at 7:00 AM, a meeting with the employees lasts approximately 5-minutes to tell them where they are going and what they will be doing for the day and then they take the vehicle to the job site and come back to the shop at the end of the day.)
- Ms. Edwards asked how many vehicles he has for the business. (The applicant stated he has approximately 10 vehicles. He stated there are four at the shop. He stated he has 6 box vans, a couple of pick-up trucks and one double-axle dump and a Chevy 5500 truck.)

- Ms. Edwards asked the applicant what type of equipment he has. (The applicant stated he has a Bobcat skid loader, a Bobcat excavator, a Case skid loader and a mini-Bobcat that you stand on. He stated the equipment typically goes job to job and if they are at the job site they are stored inside the larger building. He explained one-half of the larger building is enclosed.)
- Ms. Edwards asked the applicant if he stores anything else outside other than stone. (The applicant stated there is stone, the fireplaces, mainly landscaping materials, some fence pieces possibly and other similar items.)
- Ms. Edwards asked if there are pool chemicals at the facility. (The applicant stated he does not store the chemicals at this site, he explained he has two service vans that do pool maintenance and those vans have pool chemicals in them. The vans stop by the vendor in Maryland Heights several times a week.)
- Ms. Edwards stated she did not visit the site, and feels she needs to go to the site for an on-site inspection.
- Ms. Deitz asked the name of the business. (The applicant stated the name is Destination Pools, and their incorporated name is Outdoor Systems which mainly did landscaping in the past.)
- Ms. Deitz asked when the applicant purchased this property. (The applicant stated they moved to this location approximately 9 1/2-years ago.)
- Ms. Deitz asked the applicant when he purchased the property did he wonder what the Zoning was on the property. (The applicant stated he thought if there was no retail spot, it would just be a storage place.)
- Ms. Deitz asked if there are any businesses adjacent to this parcel. (The applicant explained directly across Rte. 158 there is Bi-County Small Engines and they have been there 20-30-years.) (Ms. Markezich confirmed Bi-County Small Engines were granted by the Zoning Board.)
- Ms. Deitz asked if a customer has ever come to the location. She asked if people pull in because they think it is a pool business. (The applicant stated people will pull in all the time, just being nosey.) (Ms. Markezich stated the property looks similar to a landscaping business.)
- Ms. Edwards asked the applicant if he has Zoning approval from Monroe County. (The applicant stated he does not.)
- Mr. Schneidewind asked Ms. Markezich if she had contact with Monroe County. (Ms. Markezich stated she has not talked to Monroe County.)
- Chairman Penny asked the applicant if it were possible to construct a building to house some of these items. (The applicant stated it would be cheaper to remove the items from the site than build an additional building.)
- Mr. Heberer stated he does not feel the restroom facilities are necessary at a building that is used for pick-up and drop-off. (Ms. Heberer feels there are

basic standards for businesses like everything should be stored inside; there should be facilities for the employees.)

- Ms. Deitz asked if these are personal vehicles or employee vehicles on the Google-earth picture. (The applicant stated those are employee vehicles on the picture.)
- Mr. Schneidewind asked if the enclosed area of the building is a storage room or a meeting area. (The applicant stated this is a very crude meeting area that has mainly shelves with tools and everything in that area can be locked up.)
- Mr. Schneidewind asked if the bookkeeping is done from the home. (The applicant stated that is correct.)
- Mr. Schneidewind confirmed the shed is a meeting area, storage area, and a central dispatch area for the vehicles. (The applicant stated that is correct.)
- Chairman Penny stated he would like to go out and visit the site due to the scale of this business.

Public Testimony

There were no persons present for public testimony.

Further Discussion

County Board Member, Michael O'Donnell stated he is not opposed to the operation. He explained he was concerned with the adjoining property owners but now that he knows the applicant has a contract with the adjacent property owner, he has no objections. He stated the business has been in operation for a while with no complaints and you cannot see the business from the road.

MOTION by Edwards:

It is the recommendation at this time that this case be taken under advisement so the board members can do an on-site inspection and this will be a continuance so there can be further testimony. This meeting will reconvene on March 11, 2019.

Ms. Edwards requests the applicant present a plan with what he can store inside; and what exactly will be outside.

Ms. Markezich stated the applicant will have to refile if he wants to keep the storage on the adjacent lot.

Second by Deitz.

A roll call vote:

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

This case has been continued for one week, and will be revisited on March 11, 2019.

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