

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

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

Members Absent: Alexa Edwards & Patti Gregory

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

**County Board
Members Present:** Michael O'Donnell, County Board District 22
Kevin Dawson, County Board District 20

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 September 9, 2019. Second by Howell.
Motion carried.

Public Comment

An unidentified women asked the definition of a Special Use Permit. (Mr. Schneidewind answered a Special Use Permit falls under each different category of the zoning districts. He explained a permitted use is an automatic use in a zone

district without having a hearing and a Special Use requires a hearing before the board.

An unidentified women #2 asked if you live in the City of Fairview Heights if the County overrides the City rules. (Mr. Schneidewind stated St. Clair County has no Zoning jurisdiction in the City of Fairview Heights.)

New Business – Case #1

Subject Case #2019-16-ABV – Terry J. Grommet, 3810 High Prairie School Road, Belleville, Illinois, owner and Caitlin Kirby, 5962 State Rte. 4, Mascoutah, Illinois, applicant. This is a request for an Area/Bulk Variance to allow the division of 5-acres instead of the 40-acres required in an “A” Agricultural Industry Zone District on property known as XXXX Lunch Road, Belleville, Illinois in Smithton Township. (Parcel #13-21.0-300-001)

Terry J. Grommet, Owner

- Mr. Grommet explained he would like to take 5-acres off of his parcel that is already divided by a small creek, for his daughter to build a home on.
- Mr. Grommet explained this property is a field that is somewhat tough to farm because of the water runoff from the neighboring field.
- Mr. Grommet stated he feels this property would be a beautiful home site.
- Mr. Grommet stated his daughter would like to build on the West side of the property farthest from Lunch Road in a nice little enclave at the rear of the property with less than a ¼ mile driveway.
- Mr. Grommet stated County Board Members Michael O'Donnell and Dean Pruett both visited the site and were both in favor of the request.
- Mr. Grommet stated the Health Department also visited the site and stated they have no issue with the request.

Discussion

- Ms. Markezich asked the applicant if he would combine the remainder of the parcel with the adjacent farmland. (The applicant stated he would combine the South 40-acres and the residual of the North 40-acres.)
- Chairman Penny asked what type of water and sewer would be on the property. (The applicant stated they would dig a deep well of 200 to 300 ft. and a septic system.)
- Chairman Penny asked what the LESA Rating on the property is. (Ms. Markezich stated the LESA rating is High.)

- Ms. Dietz stated she lives in the area and is familiar with the property. She stated there is a lot of farmland with scattered home sites in the area.
- Chairman Penny asked the applicant if he will continue to farm the property. (The applicant stated he will continue to farm the property.)
- Mr. Schneidewind confirmed the applicant will combine parcels 13-21.0-300-001 & 13-21.0-300-014. (The applicant stated that is correct.)

Public Testimony

There were no other persons present for public testimony.

Further Testimony

- County Board Member, Michael O'Donnell stated he visited the site and it sits nicely off the road and along tree line. Mr. O'Donnell stated if the applicant combines the remaining acreage, he is in favor of granting the zoning variance.

MOTION by Deitz to approve the request as follows:

The variance is not in harmony with the Comprehensive Plan but the variance would allow a compatible use of land while allowing the orderly and beneficial development of the rural areas of St. Clair County; in the vicinity of the proposed divisions there are six residences on less than 40-acres; the variance will not be injurious to the neighborhood; the variance will not be detrimental to public welfare; the variance will not increase the hazard of fire or other dangers to said property; the variance will not diminish the value of land or buildings in the immediate area or throughout the county; the variance will not unduly increase traffic congestion on public streets; the variance will not increase the potential for flood damages to adjacent properties; therefore, it is my recommendation that the variance be granted with the stipulation that the remaining acres of parcels 13.21.0-300-001 be consolidated with 13-21.0-300-014 which is also by Mr. & Mrs. Grommet.

Second by Heberer.

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

Motion carried. This case has been approved by this board.

New Business - Case #2

Subject Case #2019-03-ZA – Charles Kolb, 5520 Bohleysville Road, Millstadt, Illinois, owner and John Kolb, 6480 Albert Road, Millstadt, Illinois, applicant. This is a request for a Zoning Amendment to change the zone district classification of certain tracts of land from “A” Agricultural Industry Zone District to “B-2” General Business Zone District on property known as 3502 & 3508 McCloud Ct., Cahokia, Illinois in Centreville Township. (Parcel #07-09.0-100-007 & 008)

Charles Kolb, Owner/Applicant

- Mr. Kolb stated the property in question is directly across the street from his business Mudd Duck Auto.
- Mr. Kolb stated he purchased Mudd Duck Auto in 2000 and then in 2007 or 2008 he purchased the properties on McCloud Court.
- Mr. Kolb stated when he purchased the property there were two homes on the parcel that are currently still existing but have been gutted and are being used for storage purposes.
- Mr. Kolb stated he would like to use this property for storage of vehicles only.
- Mr. Kolb stated they have an overflow from the salvage yard all the time because of the price of steel going up and down.
- Mr. Kolb stated there will be no dismantling of vehicles on this property.
- Mr. Kolb stated there are Industrial properties surrounding this parcel.

Discussion

- Chairman Penny asked if this property currently has a fence around it. (The applicant stated $\frac{3}{4}$ of the property is 6 ft. chain link fence with slates and barbed wire across the top of it.)
- Chairman Penny asked how the vehicles will be transferred from one side of the Highway to another. (The applicant stated they use a flat-bed tow truck and a large percentage of the vehicles are still driveable.)
- Mr. Meister asked if the “B-2” is sufficient for this use. (Ms. Markezich stated as long as there is no dismantling of vehicles.)
- Ms. Deitz questioned the two homes on the property. (The applicant stated the two homes were on the property when he purchased but they were in shambles and they were gutted to be used for indoor storage.)
- Ms. Deitz questioned the large building on the property. (The applicant stated that building was also existing when he purchased it, he stated that is a storage building that is in great shape.)

- Mr. Heberer asked what type of storage is required. (The applicant explained there may be car hoods or parts stored in the building.)
- Chairman Penny asked what size is the pole barn on the property. (The applicant explained the 80' x 120' pole barn was on the property when he purchased it.)
- Chairman Penny asked what the property was used for prior to their purchase. (The applicants stated two brothers owned the property and they were into race cars and used it for a hobby shed.)
- Mr. Heberer clarified there is only 3-sides of the property fenced. (Ms. Markezich stated the area where the vehicles are stored has to be completely fenced-in.)
- Mr. Meister asked what type of business is located across Camp Jackson Road. (The applicant stated that is also a salvage yard.)

Public Testimony

Mr. Jeff Berryman stated he is in attendance to support the application.

Further Discussion

Ms. Markezich stated she spoke to County Board Member, Marty Crawford and he is in support of the rezoning request.

MOTION by Deitz to approve the request as follows:

The property is adjacent to a junk yard that is zoned "I-2" as well as adjacent properties across Camp Jackson Road that were rezoned to Industrial by the Zoning Board in 1984 and 1985; the trend of development in the vicinity of the property is Industrial/commercial; the Comprehensive Plan calls for residential, however this area has very few residential homes and a new home on this property would not be compatible; the property will be used for vehicle storage; there will be no dismantling of vehicles on the property; and the applicant has agreed to complete the fencing on the property.

Second by Heberer.

Meister -	Yes
Heberer -	Yes
Deitz -	Yes
Chairman Penny-	Yes

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

New Business – Case #3

Subject Case #2019-04-PD – Mascoutah Pioneer Development LLC, 42 West Main Street, Mascoutah, Illinois, owners and Clearwave Communications (Cory Draper), 2 North Vine Street, Harrisburg, 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 Construction Reporting Center (Internet/Telephone Operation Center) in an "A" Agricultural Industry Zone District, on property known as 6719 State Rte. 4, Mascoutah, Illinois in Engelmann Township. (Parcel #15-08.0-100-010)

Cory Draper, Applicant

- Mr. Draper stated he is the Area General Manager for Clearwave Communications.
- Mr. Draper explained the business is currently based out of Harrisburg, Illinois.
- Mr. Draper explained the business installs fiber-optic cable for internet service.
- Mr. Draper stated they would like to have a reporting center closer to the metro area to respond to emergencies faster in the area and also want to expand into Trenton, Carlyle and south down to Millstadt and Waterloo.
- Mr. Draper stated this facility would allow their business to have a bigger presence in the area.
- Mr. Draper stated this operation would bring 30-60 additional full-time jobs to St. Clair County.
- Mr. Draper explained this property will be utilized for storing equipment and materials. He explained the business does methods of directional boring that require larger trucks to pull the boring rigs, mini-excavators, vacuum excavators; it is all utility construction equipment that will be parked inside a building.

Discussion

- Mr. Meister asked if the business is already in operation at this location. (The applicant stated he and another employee are there as well as some new trucks that were delivered.)
- Mr. Meister asked how many employees will be at this location. (The applicant stated there will be between 30-60 employees that will report in the morning and will leave each day and return in the evening. There will be 4 to 5 at this site during the day.
- Chairman Penny asked what items would be stored outside. (The applicant stated the only thing that will be stored outside would be a pit for gravel,

because the boxes are buried with gravel to help with water drainage. He stated there will also be sand and possibly a dirt pile. He stated they will also require a fuel tank that is currently placed there for off-road diesel and equipment. He stated if allowed, the only other thing that will be stored outside will be conduit which is what they place in the ground and it comes on 6 ft. metal rolls, it's bright orange conduit wrapped up neatly and also concrete vault boxes that are buried. He stated the fiber optic cable that comes on wooden reels will be stored in the smaller building. He stated if they have to store the conduit and concrete vaults inside they can also go in this building.

- Mr. Heberer asked the board if a fence would be required for outside storage. (Mr. Schneidewind stated this is a Special Use Permit so the board can put stipulations on the applicant.)
- Mr. Heberer explained that the board in the past has always required a 6 ft. fence around any outside storage at a business. (The applicant stated they have received quotes for installing a fence with a gate across the front. He stated they would be willing to install the fence if the board requires.) (Mr. Tim Boyce, 602 Market, Mascoutah stated he is one of the owners of the buildings and explained that a farmer cuts through this property to get to the farm field, so a fence would hinder the farmers access.)
- Mr. Heberer stated he would like to see any outside storage fenced, not the entire perimeter of the property, but the outside storage.
- Mr. Schneidewind explained the storage should have a visual screening such as a 6 ft. chain link fence with slats in it. (The applicant stated if they can come to an agreement with the farmer they may fence the entire perimeter and add a large gate at the rear of the property.)
- Mr. Schneidewind asked the hours of operation. (The applicant stated the construction crews will start at 6:30 AM and will be gone no later than 7:30 AM; he stated it is hard to narrow down a return time but the latest time would be normally 6:00 PM at the latest. He also stated if there are four different crews, there will be four different arrival times, depending on where they are working.)
- Mr. Heberer asked if there will be around 30-people working at this site. (The applicant stated 30 employees is an accurate number to begin with and as they continue to grow and branch out obviously that will result in a larger head count.)
- Mr. Schneidewind asked if there will be any full-time staff at this location. (The applicant stated he will be at the site full-time as well as an Engineer and an Admin and possibly two other support engineers.)
- Mr. Schneidewind asked the days per week. (The applicant stated the business will be open Monday through Friday and unless there is a pressing issue or an outage there will be no weekend work hours.)

Public Testimony

There were no other persons present for public testimony.

Further Testimony

County Board Member, Kevin Dawson stated he has not toured the facility but is familiar with this parcel and the neighboring property owners. He stated he has not been contacted by the neighbors with any comments or concerns. Mr. Dawson stated he feels this is an ideal use for this existing facility and is in support of this application.

MOTION by Heberer to approve the request for the following reasons:

This request is consistent with the Special Use Permit 2010-15-SP granted to Mascoutah Pioneer Development; there are no new structures planned to be added at this time, only internal changes of the existing buildings; the applicant will install an outside fence around the outside storage areas; the vehicles will be stored inside except the vehicles that come on a daily basis; the business hours will be 6:30 AM to 6:00 PM, Monday through Friday; there will be approximately 35 employees; they will have septic and well water but are working to get city water; and the Special Use Permit will increase the overall taxbase of the County.

Howell seconds.

A roll call vote:

Meister -	Yes
Heberer -	Yes
Deitz -	Yes
Howell -	Yes
Chairman Penny-	Yes

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

Old Business Case #1

Subject Case #2019-02-ZA – Steve Johnson, 7677 N Illinois Street, Caseyville, Illinois, owners and applicant. This is a request for a Zoning Amendment to change the zone district classification of a certain tract of land from “SR-2” Single-Family Residence Zone District to “B-2” General Business Zone District on property

known as 7655 N Illinois Street, Caseyville, Illinois in Caseyville Township. (Parcel #03-16.0-200-022)

John Baricevic/Attorney representing Steve Johnson

Terry Johnson, Commercial Realtor representing Steve Johnson

- Mr. T. Johnson stated he has been a commercial real estate agent for 34-years and he is the applicant's brother.
- Mr. T. Johnson gave the board members a packet of information.
- Mr. T. Johnson stated the first page of the packet is a letter that went out to nearby residents and explained the process that the applicant is going through and that he is downsizing his property. Mr. T. Johnson explained that the applicant owns two properties one with the home and one with the shop building.
- Mr. T. Johnson explained the shop building was originally on 18.7-acres and he deeded 5.23-acres to his residence. The shop property is now 11.9-acres.
- Mr. T. Johnson stated of the 11.9-acres there is about 3-acres that is useable due to the terrain.
- Mr. T. Johnson stated the building sits about 600 ft. off of State Route 159.
- Mr. T. Johnson stated the applicant is currently using the property as a "B-2" use and received a Special Use Permit back in 2003 for a landscaping business which was never really started, but would have included people coming and going all day, retail customers, trucks delivering rock and mulch. Mr. T. Johnson stated the applicant continued to have a trucking business at the location.
- Mr. T. Johnson stated the business that is currently being operated there is a lesser use than what the Zoning Board granted as a Special Use Permit.
- Mr. T. Johnson stated he included in the letter to neighbors the applicants phone number and he has not received any phone calls from the nearby residents.
- Mr. T. Johnson stated page 2 of the packet is a list of approximately 15-businesses along a 3-mile stretch of Hwy 159. He stated, please note at the top of the page is a 33-acre parcel that Caseyville rezoned to "B-2" Zoning. He also stated St. Clair County rezoned a couple of parcels to "B-2" Zoning, which was Schaeffer Trucking and a Plumbing Business on Hollywood Heights Road.
- Mr. T. Johnson stated the next page of the packet is a map of commercial zoning areas.
- Mr. T. Johnson stated the next page of the packet is an aerial photo of the subject property that shows the "B-2" use is in the middle of the property that is surrounded by a natural buffer and hillsides and the site could not be expanded beyond its current footprint.

- Mr. T. Johnson stated the next page of the packet is a photo shot from Hwy 159 that shows an extra-large entrance built by IDOT to service this property and it shows you cannot see the building from Hwy 159.
- Mr. T. Johnson stated the next page of the packet is a photo going down the driveway where you see a portion of the building.
- Mr. T. Johnson stated he believes this property is currently being used as a "B-2" property. He explained the applicant's health is not great and if something happens to him then they would like to be prepared. He stated the property is not conducive to residential.
- Mr. T. Johnson stated the applicant has ran the trucking company from this location for 13-years with 5-trucks to 7-trucks, and is currently down to 4-trucks with no complaints to St. Clair County, no calls or complaints from neighbors mainly because the trucks leave in the morning and they return at night.
- Mr. T. Johnson stated looking at the permitted uses of "B-2" most of them have no potential of being used on this property such as a restaurant or a gas station. He stated this is not a retail site.
- Mr. T. Johnson stated with all of the "B-2" uses along Hwy 159, he feels this is a commercial corridor.
- Mr. Baricevic introduced Brooks Brustell.
- Mr. Brustell stated he has worked for IDOT for approximately 31-years. He stated every 2-years IDOT collects traffic data on traffic routes. He ran an interactive map that shows past traffic data and in 2017 the traffic was 15,500 and in 2015 it went down to 14,700 and in 2013 it was 16,300 and in 2009 it was 15,900. He stated they also keep truck data but the last time there was a truck count it showed 975-trucks right near Pin Oak Lane which is South of this property.
- Mr. Brustell stated by comparison to the above numbers Hwy 159 near this parcel is a 5-lane highway. He stated there are two lanes going each direction and a bi-directional turn lane with an 8-ft. shoulder on each side. He stated there are places along Hwy 159 with the same basic footprint that carry much more traffic than what it carries now in front of Pin Oak.
- Mr. Brustell stated his point is they are not sure what will go on this property, but areas on Frank Scott Parkway where Penske Trucking is located, carried in 2017 25,400 cars and 2,900 trucks. He stated nothing on the list generates that much additional traffic.
- Mr. Brustell stated for the most part everyone that pulls up to the traffic lights, makes it through on their light and that is an acceptable level of service for IDOT.
- Chairman Penny asked Mr. Brustell typically on a 4-lane highway at that rate of speed, how many vehicles a day would it safely and effectively be able to handle. (Mr. Brustell stated the rate of speed is not a factor, he

stated it is more so the number of vehicles per house and he does not not have that information.)

- Mr. Baricevic stated the applicant is present tonight because he has some health issues and is concerned about what will happen to his property. He stated the banks tend not to loan money on a Special Use Permits, so the property more than likely could not be developed and would become worthless. He stated that the overriding concern is that with the Special Use Permit and the current Zoning of the property, the property is practically worthless.
- Mr. Baricevic stated this property is exceptionally depressed. He stated it is 75-80% below the level of Hwy 159. He stated the properties on both sides are elevated. He stated the applicant lives to the North and Pin Oak Subdivision is to the South and it is significantly wooded around.
- Mr. Baricevic stated the Zoning Board a lot of times receives applications where you are concerned with noise, light and sight lines but this property is already buffered. He stated there is about 3-acres of developable property.
- Mr. Baricevic stated although the "B-2" Zoning would allow a gas station or retail, one would have to bring in literally millions of cubic feet of dirt to the property to make it developable; and the property is undevelopable for a retail outlet.
- Mr. Baricevic stated the LESA evaluation indicates that the section regarding dwellings with basements is mostly red because the report indicates no dwellings with basements or without basements.
- Mr. Baricevic stated the current zoning would allow for a 60-plus lot subdivision which the applicant does not want to do, but that would generate a whole lot more traffic than what he is requesting.
- Mr. Baricevic stated in the last Land-Use Plan in 2011, there has been significant changes along that corridor and IDOT has expanded it and it is the major North/South building route. He stated other than the Interstate this is the only multi-lane highway going North and South.
- Mr. Baricevic stated the Zoning Board has recognized the change in the recent rezoning of Schaeffer Trucking to the North and a plumbing business just immediately to the North of this site.
- Mr. Baricevic stated the change of character has always been recognized by the Village of Caseyville because they rezoned property to the North to "B-2".
- Mr. Baricevic stated the homes along Pin Oak Drive back up to this property and is buffered by trees. He stated if the Zoning is allowed and somebody does have a business the lights will be below the buffer on the adjacent properties and would not be an issue. He also stated the property values would not be diminished due to the property currently having a "B-

2" use on the property and there is no evidence of diminished use of value with the current "B-2" use.

- Mr. Baricevic stated this rezoning requested would not effect water runoff in the area.
- Mr. Baricevic stated zoning changes are made for a lot of reasons and one is general change of character of the neighborhood and feels without a zoning change the applicant only sell it for a 3-trucks landscaping business and feels this would not be the highest and best use of this property.

Discussion

- Mr. Schneidewind asked Mr. Brustell his position at IDOT. (Mr. Brustell stated he was a Study/Planning Engineer.)
- Mr. Schneidewind asked Mr. Brustell if he worked with traffic studies at his position. (Mr. Brustell stated he worked with traffic studies.)
- Mr. Schneidewind asked the applicants what about the depression of land makes this more useable as a "B-2" Zone District than a "SR-2" Zone District. (Mr. Baricevic stated at the bottom of the roadway end there are about 3-developable acres. He stated in looking at the Zoning it is the best one that matches what the applicant is doing on the property currently.)
- Mr. Schneidewind asked what type of operation is on the property at this time. (Mr. Baricevic stated he received a variance to run a landscaping business that allowed some trucks to operate. He stated the landscaping never went but he continued with the trucking part. He stated the trucks are stationed on the property and serviced, they are parked inside and serviced inside; but the retail portion never started.)
- Mr. Schneidewind asked if there were trucks and excavation equipment. (Mr. T. Johnson stated there were just trucks that leave in the morning and returned in the evening.)
- Mr. Schneidewind confirmed there was never a landscaping business on this property. (The applicant stated that is correct the landscaping business was never operated but he hauled landscaping materials with the trucks.)
- Mr. Schneidewind asked the applicant if he hauls only decorative rock or rock from quarries. (The applicant stated he gets brown rock (meramec) from the quarries.)

Public Testimony

- John Holten, 7615 N Illinois Street stated he lives directly across from this business. Mr. Holten stated he was under the impression that each case was supposed to be decided on its own merit. Mr. Holten stated he is hearing tonight people referencing trucking companies down the road, this, that and the other and he feels like that holds true to everything being judged on its own merit. Mr. Holten stated he has heard that this property

- was used as a “B-2” when they were granted a Special Use. Mr. Holten stated he feels he should have as much time as Mr. Baricevic was given.
- Mr. Holten read a letter as follows: My wife and I own 100% of the property directly across the street from Steve Johnson’s trucking company. Prior to this location my family lived for many years in a mixed commercial and residential area and know well the downsides of commercial. We found in 1947 this area to be the ideal setting and with great effort, the land was cleared and a house was built. (*Inaudible statement*).... Mr. Johnson’s existing business property was a small house surrounded by beautiful trees and the owners were excellent neighbors. As time went on, Zoning laws were enacted, and settled a request making this commercial zoning and we were notified by this Zoning Board about the hearing tonight and I want to thank you for that. We oppose the request that were made successfully in keeping this area residential. That was until Steve Johnson appeared on the scene in 2003. No hearing notices were sent to adjacent homeowners to alert them of the request of the scheduled hearing. The obvious result was no objections at the hearing and the 2003 Zoning Board ignored the Zoning Ordinances and Mr. Johnson was granted a Special Use Permit with limitations. We had great fortune again, to receive notices from this board (which we didn’t before). Now let’s fast forward, Mr. Johnson is requesting a “B-2” Zoning General Business in a “SR-2” Single-Family Residential Zone. (I didn’t hear that mentioned too much in their narratives.) In Mr. Johnson’s narrative submitted to the Zoning Board he acknowledged he requested and received a Special Use Permit and that it “worked out fine”, my business is expanding and now he needs another 60’ x 100’ building, however he has stated that he has a hardship. The Zoning Board is not creating his hardship, they haven’t said that he cannot continue his business it’s the Special Use Permit that worked so well for him that is causing his hardship. Banks he said do not like to make loans for his expansion with only a Special Use Permit. Please note that Mr. Johnson said banks do not like to, he did not say they will not loan with only a Special Use Permit. Facts are competitive banks are attracted to a successful business which he obviously has. If a hardship exists at Steve Johnson’s making he welcomed the Special Use Permit, he used the Special Use Permit, abused the Special Use Permit, and now suddenly the Special Use Permit is an albatross. He stated the financing will be difficult and financing is not for this Zoning Board to address but Mr. Johnsons Special Use Permit worked out fine as stated above to the point where he needs another 60 x 100 building in order to continue progressing business then all he needs to do is ask for a building permit and I am sure the Zoning Board would oblige. If Mr. Johnson wanted to change the mere nature of the business from trucking to whatever “B-2” permits that, then it should have been stated in his narrative. The Special Use Permit granted to him by the

- 2003 Zoning Board for a location in the middle of a single-family residential zone was outrageous to begin with. So to ask this Zoning Board to approve a "B-2" with a laundry list of objectionable businesses possible and worse than what he has got is unacceptable and contrary and unacceptable for the purposes and text of the St. Clair County Ordinances. Mr. Johnson stated he sent a letter to the surrounding neighbors as he mentioned in which he states I would like to add another small building for additional quote toy storage. (Mr. Holten asked what toy storage is.) (The applicant stated fancy cars.) The applicant did not tell the neighbors he wanted a 60 x 100 building, so what is it. Do you want a building or don't you want a building.
- Chairman Penny stated all comments will be directed toward the board.
 - Mr. Holten continued to read his letter: This letter was crafted to lure surrounding neighbors away from this hearing by the toy shed scenario. If Mr. Johnson had the slightest compassion or concern for his neighbors, he would have included in his letter the list of business uses permitted by "B-2" Zoning. Now in addition to that he wants a sign, signs of this nature are prohibited in the adjacent Pin Oak Subdivision and are certainly not keeping with aesthetics connected with a single-family residential zone and are in direct conflict with the St. Clair County Zoning Ordinances. Mr. Johnson does not have a retail business and they are saying you can't hardly put a business in there and I think that is contrary to what any construction people would tell you, they can make anything out of anything if they want to, they could level that baby off and put anything in there. If a sign for locating this property is important to him, he should at least have a post office address located somewhere and he doesn't even have that. I want to thank you all for opportunity to propose this preposterous "B-2" Zoning and sign request, please vote no on the Zoning request. Thank you.
 - Vicki Black (*last name not clear), 7640 N Illinois Street stated she lives directly across the street from this property. She stated there are trees on the property, however in the fall she can see the property and see the trucks coming in and out and stated based on the prior request he was not supposed to have trucks before 7:00 AM and in the month of August he has trucks leaving before 6:00 AM and 6:14 AM and questions the applicant stating that this 3-acres has not much value and they can't do much of anything on it. She stated she cannot grasp the reasons for a possible large sign and her concern is for the future of the property and her family that will continue to live there. She stated she does not want a business any larger than was there. She stated she was not notified of the prior hearing and no one on the board would want a trucking company directly across the street from them with trucks coming and going. She stated there is noise, which she knows others will address but for the future of this property and our property, she doesn't understand why they would be asking to rezone to "B-2".

- Robert McCaskey, stated he lives on Lorella Circle less than 1/4-mile from this business in question. He stated he has definitely heard the noise. He sleeps with his windows open 7-months out of the year and was woke up this morning by the owls but also the noise from the trucks. He stated the gentlemen from IDOT stated the capacity of the vehicles on the road doesn't matter how fast they are going, and he feels of course it matters if they are going 45 or 25 and to throw in a bunch of numbers of vehicles on Hwy 159 is non-responsive and does not make any sense on the basis of this discussion. He stated it definitely matters to them increasing the number of vehicles on that road by increasing the number of commercial properties on that road. He stated they also heard tonight that this property wouldn't be very useful because there are plenty of other properties to put commercial businesses on and then the next we heard they want to put a commercial use upon this property, it makes not sense. Mr. McCaskey asked what are they saying? Is this useful for a commercial property, or, are we saying it is not useful for commercial property. I think we all know we are saying it is, so the next question to you is, is it fair to the residents to add to this our local area. He stated he just wanted to point out the two discrepancies heard because they make no sense.
- Edward Hammond, 708 Hollywood Heights Road, Caseyville stated he has lived in St. Clair County his entire life and would like to state that the guy had 3, 4, or 5 trucks on the 159 for sale a few months ago. He stated he does not know if he sold them or not it is none of his business. He stated his concern is he has 3-5 trucks, he has a business and what size building would you put on a piece of ground you are wanting to add a 60' x 100' building also. He stated if his business is any good and he has been in business since the 80's, but he cannot afford to buy a building without going to a bank to build it, I think he needs to go out of business or put it down, one or the two. He stated everyone has their own problems, but he better file for bankruptcy and go out of business. He also stated if this property is rezoned he will leave St. Clair County and he has lived here all of his life.
- Doug Black, 7640 North Illinois Street stated his concern is besides many of the things that have been spoken tonight are untrue. Mr. Black stated he works in construction, and Terry Johnson knows as well as he does that you can build anything on that property, anything on that list. He doesn't feel like everyone else should suffer for one person's gain. His biggest concern is safety. He feels at the Hollywood Heights intersection there are a lot of drug problems, and on November 11, 2017, his daughter was home alone for a short time and a woman high on drugs walked down 159 and into their house. Now we put some type of commercial development directly across the street with a street light and that will invite more and more people. He stated he has grandchildren and wonders what else will happen and stated this would not be a good fit of commercial in the neighborhood.

- Chairman Penny asked Mr. Black if there was a street light proposed at this location. (Mr. Black stated he is just speculating that if commercial businesses go in, then a stop light will go in, if a gas station is put at this location, a stop light will be next.)
- Melody Thomas, 1291 Pin Oak Lane stated she is three houses in from 159 and the untrue statements about there not being noise is ridiculous. She stated those trees do nothing to stop the noise from the trucks and it is a false statement that those trucks leave in the morning and come back at night, she stated those trucks run all day long, back and forth. She stated the letter that they posted on our Facebook page stated there was over a dozen trucks, and it has been interesting that this meeting was supposed to be last month and now it is this month and the last 30-days there has been very little activity over there. She stated she is totally against this request. She stated people drive 60-65 miles per hour down that road all the time and it is infuriating and cannot imagine how Zoning this land into a bigger business area would be fair to the residents.
- Bruce Ecker, 306 Bethel Meadows Road, Caseyville stated he is in the same district as this property in question and several miles from his home. He stated he is absolutely opposed to this request because he allowed a variance to a property next to him years ago and the gentlemen and his wife passed away and the property has been abandoned and whenever it is zoned and you allow for a variance, that is tough enough to handle. Now they want the entire property zoned and he is absolutely going against anything commercial because it has always been a single-family residence zone district.
- Nicholas Black, 7640 N Illinois Street, Caseyville stated he leaves his residence between 6:00 AM & 6:30 AM every weekday to attend college over in St. Louis and he can count at least 3-times he has been going down the driveway and there has been a dump truck at the top of the road with its headlights shined at our house at 6:00 AM. Those trucks are loud, there are gates slamming all the time. Mr. Black stated he does not think increasing the flow of traffic on this property would be a good thing, especially in front of residential property.
- Dan Whiteside, 7608 Lorella Circle, Caseyville stated this property is in the City of Fairview Heights, Illinois. He stated there has been testimony that this property backs up to the Pin Oak Ct. and there are 3 or 4 houses that look directly down on this shed and to have anything else there would certainly decrease the property value of those homes. He stated if you talk about building fences, he stated this hill is at least 100 ft. higher than the property and you could not build a fence high enough to hide it. Also, the traffic on 159 coming out of Pin Oak is tough. Like the lady pointed out turning into Pin Oak, the cars are traveling 65 mph and if they add

additional traffic there it really would be detrimental and a step in the negative direction.

- Vicky Black presented a letter from a neighbor that was not present at the meeting, she also stated their lawyer will be presenting a petition with at least 35 residents, some that are here this evening and some that are not because of their age.
- Tinna Whiteside, 7608 LoRella Circle stated she lives in Pin Oak Subdivision and she lives in one of the homes looking down on the business. She stated the school bus is a big issue and the school bus will not even turn into the subdivision anymore, she stated they stop on the Highway and that has got to be an issue, no matter what. She stated she built there in 1971 and now there is Stoneolf to the South and they tore down all the hills and trees to build the beautiful golf course and Far Oaks built hills to make their golf course and then Tanglewood tore down all the trees and birds and wildlife have changed, they are not the same as they used to be. She stated the businesses up and down the highway are small businesses that don't generate traffic, they are family businesses. There is a subdivision to the left and one to the right, and they built big beautiful home and she stated she thought someone is going to build something in this hole in the ground, and boy did they. She also stated you can do a lot of things it just takes money and desire.
- Jeanette Holmes, 7609 LoRella Circle, Caseyville stated she lives in Pin Oak and wants the board to understand the lay of the land. She stated Mr. Johnson's property is downhill on 159. Years ago it was a very very steep hill and very dangerous for them to get in and out of the subdivision and fortunately a few years ago, they cut down the hillside, but it is still a hill. They cannot see over the hill, and when they pull out of their subdivision they have to gun it, because big trucks are coming up that hill and are very dangerous. She stated when her kids pull in and out of there it scares her to death. She stated that IL-159 is still very dangerous even though it has been widened to accommodate the traffic. It has helped with the daily cars that come and go and during the Holiday season it makes it much easier to get out but you still have this hill to contend with because that property is going downhill and we have to pull out not knowing what is coming up after us. She is not sure if the board knows the lay of the land, but she wanted them to be aware of the lay of that highway and how dangerous it is to pull out onto, and placing a bigger business there with trucks coming in and out, would make it even worse. (Chairman Penny stated he would like to physically drive out to Pin Oak and pull in and out of the subdivision and look at the depressed area and its relationship to Pin Oak.)
- Michael Smith, 7620 N Illinois Street stated he lives directly across the street from Mr. Johnson. He has bought rock from Mr. Johnson in the past. He stated he does have a landscaping business at least that's what he

thought. They do not know what it is they are fighting, they know if they are fighting a “B-2” with a residential thing, but he is so uncompliant with the variance that he has got with the Special Use Permit. He stated correct me if I’m wrong but a Special Use Permit is people who have a little more property who don’t live in a subdivision, anyway Mr. Brooks you don’t live in a subdivision. (Chairman Penny asked Mr. Smith to direct his comments to the Zoning Board.)

- Mr. Smith continued to say he does not understand what he is fighting, a rock quarry, a mulch business because mulch when it slides off a pick-up truck or a dump truck kind of makes a hissing sound and is very quiet. He stated when you haul in rip rap the size of a bus, the size of a tandem tractor trailer with 18-wheels and this thing can raise up 25 to 30 ft. or more and with that rip rap that is lined with rebar starts scraping the inside of the metal of these things, it comes out like a screeching banshee across the universe. Within 3-4,000 feet away you can hear those dump trucks reloading. He stated within that 3-4,000 feet he is the only commercial property in that circumference with a Special Use Permit. Mr. Smith stated there are things in the creek that you cannot even imagine and that this property is a dump, a certified rock-hauling dump. Mr. Smith stated he would bet they have hauled in more than they have actually hauled out of there because right now they have lifted the back end of that property up 50 to 70 feet. He stated he cannot even tell you how much. Mr. Smith stated the property is full of construction crap, huge rebar and is dangerous to even walk the creeks. He presented a picture of Mr. LaBlances property to the South and it is a picture of the bottom of the creek which all of this rip rap and things are stored and up the hill is 25 to 30 feet high it’s barrels, it’s asphalts, it’s leaking oils that are being dumped straight down the side; that is not a mulch business that is a dump down a little ravine that costs \$28,000 – 25-years and he stated his wife has (inaudible) and they try to sleep at night and sometimes this is going all day and all night until 9:00 PM; and the people of Pin Oak can testify that there is no time limit on this business it’s whenever it is hot it is hot and then sometimes there is 50 trucks back there. In 2008 there was nothing but a little pad down there that he filled in with thousands and thousands of dump trucks full of rip rap and rebar that is still down there today and if you walk that property you can fall and impail yourself on giant beams of bar down there. He explained this picture is not even of the Johnson property, it is just the residual stuff that falls off the big giant plateau that has formed up there. He questioned if the board would allow somebody to get a bigger license or do we stop this process and find out what type of business the gentlemen has. This is not a mulch business, this is now a truck/sales business, it is now a plateau business dump, there are three plateaus he has built back there, huge plateaus, not small things these are big things. He stated the

EPA has sited the applicant at least once and he had to dig out the box cars that he put in the stream down there that he has hunted arrowheads in his whole entire life. He stated he is one of the few people that have lived on these properties all of their lives. He stated there was no delivery from the County that this was happening, all of a sudden it just happened, we did not know what this business was until we saw the sign and we thought well the County literally has given our little hamlet away. Then the audacity came, he wants to sell it, he says his health is failing and he wants his kids to have some type of legacy, to quote Mr. Johnson. He stated he doesn't even know how you can talk about giving him a "B-2" license when they don't even know what it is.

- Melody Thomas stated she just wanted to re-elaborate that the truck noise is all the time, there is no 7:00 AM to 5:00 PM, she stated it way surpasses those hours.
- Mr. Holten asked why the letters submitted from neighbors are not being read to the board, so they can understand what the content is. (Chairman Penny stated the letters will be distributed to the board in the due course of business, he stated he does not anticipate making a decision tonight.)
- Kimberly Smith, 7628 N Illinois Street stated she is not going to repeat what everyone else has said but she stated her complaint is the same thing, noise. She is concerned for what the future holds for our little what used to be a paradise where we all had nooks and crannies of beautiful woodland properties that is now the creeks are being contaminated, the noise levels, and more and more congestion on the road.
- Michelle Taylor, 1139 Hollywood Heights Road, Caseyville, stated she lives down the road from the subject property and she feels the Zoning Board was prepared for the earlier zoning requests and it seems like they are not for this one. She feels they the board has to take the time to get prepared for this one where she feels they should have gone out and looked out at it previously.
- Mr. Smith asked Chairman Penny if any of the board members have visited the site. (Chairman Penny stated he has driven past the site.)
- Mr. Smith stated the Zoning Board should go and look at the creek and stated if they walk around, there is not a whole lot that hasn't been filled in with municipal junk, asphalt and a lot of material that should not be in there. He stated it is not clean, it is dirty fill. Mr. Smith stated he agrees there cannot be a basement on this property now, but the home that was there before had a basement.
- Harold Holmes, 7609 Lorella Circle, Caseyville stated a point of interest with the Facebook notice that was pointed out earlier. He stated he is not on Facebook and asked if Facebook was the public notice. (Mr. Schneidewind stated there is no notice through Facebook, the request is

- published in the newspaper, notices are sent out to the adjacent property owners and it is posted. Mr. Schneidewind stated there is no social media.)
- Mr. John Holten asked if the notice to neighbors is a requirement by law or a courtesy. (Ms. Markezich stated the notice by mail is a courtesy.)
 - Woman – asked how many days the public notice is in the newspaper. (Ms. Markezich stated the notices are published one day.)
 - Woman – asked if the publications are on-line. (Chairman Penny stated legal notices are on-line but he cannot speak to the Belleville News Democrat policies.)
 - Mr. Holmes stated the board is defensive about the public notice, he stated what we are trying to do and that is why you are just now seeing this large group of people. He stated no one is saying you didn't do your job and public notices are not read these days because people do not read the newspapers. He stated that is why you are only seeing this large group of people. (Chairman Penny stated one other item is the Zoning Department physically goes to the property and puts a yard sign out at the yard sign out at the road of the property and they are not obligated to do that.)
 - Hud Norsigian stated he lives in O'Fallon. He stated he is an attorney and represent some of the folks here. He stated he would like to give a few comments. Mr. Norsigian stated he would like to zone in on a few of the specific facts that are important in relation to the actual code. He stated first this property is currently zoned "SR-2" with a Special Use Permit for a small residential landscaping business. Although the folks here stated they were not aware of that happening in 2003 and were not elated by it but could live with it. He stated this request is a completely different ballgame. He stated this is a fundamental change in this neighborhood and could bring the types of things that "B-2" would allow such as a gas station, a convenient mart, a bus terminal, truck terminals, bus station, a bottling plant and all could fit in the "B-2". He stated this rezoning could open this property up to all these things and potentially could be next to their homes. He stated if this is granted he is not under the restraints of a Special Use Permit and he could sell it and subdivide it and make it into some type of Industrial Park or something with several different uses, right next to residential. He stated there was a lot of speculation of what could go in there and that is the point because we do not know and if you open it up to "B-2" all of these folks are going to be harmed and everyone here is strongly against this. He stated the question is why is he filing for a rezoning this time. He asked why open "B-2" and not just a landscaping or trucking. He stated if you look at the zoning narrative as part of the record and as you heard the comments, this request is purely economical, he says the banker tells him he can get a bigger loan if this is zoned "B-2". He stated the first thing to point out that nowhere in the municipal code is that a factor. It is irrelevant and if that is a reason it is proving that his economic welfare

above all of these people here and their kids and their safety. A second general point is if its allowed this would be a clear example of what is called "spot-zoning" which the courts do not like and there is a good chance that this could be struck down by the circuit court. It fits squarely with the definition which is a change in zoning applied only to a small area which is out of harmony with comprehensive planning for the good of the community. He stated they have filed a protest for the Holten's, the Smith's and Mr. Leblance who is not here and attached to the protest is a document called petition against rezoning which has been signed by probably all of the people here and more residents as well. He stated the residents are very concerned about this request. He stated specifically the St. Clair County Zoning code Section 40-11-49 sets forth in this type of situation, there are six factors that are supposed to be looking at and assess the facts and that is Board's recommendation. He presented some exhibits to the board. He stated first of all, none of these factors listed are, can I get a better loan for the applicant. One of the major factors is subparagraph "F" of the Zoning Codes, which looks at the degree of compliance with the proposed Zoning change in relation to the St. Clair county Comprehensive Plan and the the recent Plan has the useage for this property slated as residential and rural residential. This request is totally against the Comprehensive Plan. The second major factor is subparagraph "E", the trend of development in the vicinity of the property in question including changes that may have occurred since the last rezoning. If you take from the latest Special Use Permit which was 2003 and 2004 and you've got exhibit E of several aerial photographs over time from 2013, 2018 and all the way back and despite what was said earlier if you look at these, the trend in this area is residential. He stated you can go out several miles and find some commercial or "B-2", but we are talking about the vicinity of this property and that will be an exhibit for you folks. Just to the South of this property is Pin Oak Subdivision and just to the West is Hollywood Heights and then there is residential across the street which are my clients and it is all up and down Hwy 159 in this area. There are a few churches but that is a different use than a "B-2" or a loud trucking company. He stated the trend of development is residential. The third major factor is subparagraph "B" which is the existing use and zoning of other lots in the vicinity of the property in question. So the uses of the other lots and we have talked at naseum and I've got another exhibit "B" which is an aerial that shows the Zoning. He stated there are all residential uses in the vicinity and the existing zoning is set forth in exhibit "A-1" and the existing zoning is all either SR-2, SR-3 or RR-1 which is Rural Residential. All of the properties in the vicinity are residential and then again that factor lines up with not allowing a "B-2" to go. He stated you do not want an island of "B-2" surrounded by a sea of residential, it just doesn't make any sense. He stated

another major factor is the existing use and zoning of the property in question. The existing property is zoned "SR-2", it does have a Special Use Permit, exhibit "A2" is the Special Use Permit dated November 24, 2003. The existing use isn't a landscaping company it's a trucking/excavation company with a landfill. There has been an admission tonight that Mr. Johnson has never really complied with what he was supposed to comply with in the first place. The Special Use Permit has criteria that he was supposed to meet. First of all, he calls it a landscape/material yard and it says the business will consist of delivering and retail sales of landscaping materials and we know that is not true and we have an admission that it is not true. We also have photographs some of which were supplied by Mr. Smith and another three photographs which are marked group exhibit "A3" which are photographs of the property showing at least one of the uses as Mr. Smith testified as basically a dump where there is concrete, asphalt, big chunks of rock, big chunks of rebar, bricks, and you can see the asphalt cascading down the embankment there. He stated his point is the nature of the business has changed completely it is not a mom and pop landscaping small business, it's a trucking and excavating business and is not complying with the criteria set forth in the Special Use Permit. It also says there will be a maximum of three trucks on the property and we have already heard testimony that is not true. There is Group Exhibit "A4" which is a series of aerial photographs over time showing there are many many more trucks than three on the property. The applicant also mentioned there was a letter sent out to his neighbors why he asked for a zoning change and in that letter he admits he had over 12-trucks at one time. The applicant was supposed to store the trucks inside and materials and he did not because we can see all of this debris out in the creek and there was also supposed to be a maximum 4 employees and the applicant also admitted he did not comply with that constraint. The fifth factor is suitability of the property in question for the proposed use. He is trying to get "B-2" and one the rezoning does not fit with the surrounding properties that is already established and all of these people have testified to that and all of the surrounding zoning is residential. None of the people want to shut his business down but this rezoning change, there is no good reason for. More importantly, if you review the criteria in the code, it does not fit under any of those things and economic benefit is not something the board is supposed to decide upon. The neighbors have stated a gas station or other types of commercial endeavors would bring elements that they do not really want to have next to their residential homes. There was testimony about the gas station down the street. I mean would you want that by your house, or a bottling company by your house; I don't think so. This request just does not make any sense and further it is not suitable for "B-2". The applicant is not complying with the things that he said he would do as far as

in the zoning narrative. It says he operates from 7:00 AM to 5:00 PM, that's not true there are many people who testified otherwise, and the stuff about the trees buffering the noise, there has been testimony to rebut that too. If you look at the factors of the County Zoning Code, they all line up in favor of saying no, and all of these folks here tonight are asking you not to allow this rezoning to go through tonight.

- Mr. Baricevic stated he and his client contest testimony about the hours and the noise. Secondly, Mr. Holten has ran a plumbing operation across the street from this property. There was a commercial business. He stated Mr. Johnson does not run a dump but he certainly has filled in some of his property. He is not a commercial dump. He is not licensed to be a dump and does not accept junk from other people. Mr. Johnson invites the board to come out and inspect and walk the property with or without notice and he would be happy to entertain the Zoning Board Members.
- Mr. T. Johnson stated the post on Facebook was his idea as a courtesy to the residents, that is why it appeared there. He is curious to see why they think the sky has been falling all of these years yet there has been no complaints filed with the County. To his knowledge, Steve has never received a complaint and the Zoning Department stated they have never received a complaint. When he talked about things in this "B-2" Zoning that could not be conducive it was purely the retail. When we talk about the sign that would be requested it was his idea because he sees so many of these uses on here, a feed store, a furniture repair, a greenhouse, a lawncare equipment, a locksmith repair shop, a tent and awning storage place, those types of businesses would like a small sign out there. Mr. Johnson does not have use for a sign, but some of the business uses in "B-2" in the future would probably like a sign. Just like Signs & Such down the street which is not a mom and pop business and there are other "B-2" uses out there. He stated he has attended over 100-zoning hearings in his years and noise is an issue but when you are on a highway you pretty much have highway noise and I think some of the uses in "B-2" would be an even lesser use than what Mr. Johnson is currently using it for.
- Mr. Norsigian stated they can cherry pick the "B-2" and say this could allow a lock-smith because that is allowed but it could also be a truck terminal and the point is they do not know, and he doesn't know and if he sells the property he has no control. So it could be a locksmith but they do not know and that is the problem. The neighbors do not want to put him out of business and they have made complaints but they do not want this to mushroom out of control and be granted a "B-2".
- Susan Wallaby representing her mother Elva Hines at 7432 & 7414 N. Illinois Street, Caseyville. She stated her mother was at the original hearing and when Joe Smithies owned the business and it was sold to the Thomas's her parents were there and they overheard the board say that would be the last

spot-zoning that would be granted on this highway. She stated that would be something she would be wondering if it there has been additional spot zoning.

- Vicky Black – 7640 N Illinois, Caseyville stated she knows that Mr. Penny said you would like to go out and look at this property but if the applicant has admitted and stated already that he is not abiding by what was given to him in 2003, why are we allowing him the opportunity to even look at his property to have a “B-2” when he is not complying. He has stated this evening that he is not complying, why can’t a decision be made right now that this should not go through? Why does he get the privilege of getting the opportunity when he has admitted fully that he is not complying with this. Part of the reason that we did not complain in 2003 is because it was snuck in and they did not know about it. He lost his brother to cancer at that time, and her father was diagnosed with cancer right around that time-frame, so we had all of those issues as well when you talk about hardships. We have noticed there has been an increase in trucks and now yes, when this comes out we need to complain, because we kind of allowed it and was accepting of it. She cannot understand why the board would give him the opportunity at this point for you all to go out and look at it when we have clearly made a point, and stated he is not abiding by the rules. (Chairman Penny stated the applicant is afforded due rights as a citizen of St. Clair County, the Zoning Board will deliberate and will not be rushed or pushed by anyone to make a decision. He stated the board will go visit the site.)
- Ms. Black stated the applicant has not abided by what the board granted him and has not abided by the rules prior but now the board is giving him special privileges to get the additional time. (Chairman Penny stated this board will not give anyone special privileges. He explained if the applicant sells Meramec rock and sells stone, then he can argue that these are landscape materials. He stated an argument could be cobbled together very quickly that he is in compliance.)
- Chairman Penny stated he understands the neighbors being upset because of change of character or use of their neighbor, he stated we are all sensitive to it. Chairman Penny stated that is why they will do what they are going to do.)
- Ms. Black stated she is not only talking about the rock, she is talking about what he has stated earlier that he did not comply with the 12 trucks there was supposed to be 3 trucks, that it was supposed to be a landscape business, that he has stated that he is running it as a “B-2”, right now, so based on those facts, I don’t understand why he is being given consideration for something larger when he is not complying. (Chairman Penny stated the applicant is being given the same consideration as anyone would be given.)

- Ms. Black asked what the recourse is for not complying. (Chairman Penny stated he cannot speak on that.)
- Mr. Schneidewind stated the Zoning Board of Appeals does not go back out and enforce, that is a zoning mechanism through the Zoning Administrators regarding complaints that they receive. They go out and red tag businesses and handle it through complaints and citations. Mr. Schneidewind stated they are here tonight for a rezoning, which the applicant can ask for and this board will give everyone the same due process. Mr. Schneidewind stated the admissions from the applicant will be looked into by the Zoning Director but that is not what is before the board tonight. This board does not issue citations, this board does not issue warning notices, this board is only to hear Special Use's, Variances and Zoning Amendments.
- Barbara Holten -7640 N. Illinois, Caseyville stated Bernie LaBlance owns property next door to Mr. Johnson, and a Mr. Henry lived in Pin Oak; and when Mr. Johnson was filling in, they called the EPA and so they must remember there were complaints. She stated Mr. Johnson was ordered to remove barrels and things so there have been complaints and the EPA has been called.
- Mr. Smith stated when St. Clair County put the sign out this very small postage stamp on the highway. Mr. Smith stated he will fight this hard that every person that wants to change their zoning should give out just like O'Fallon does registered letters to everybody that will be affected by this variance, not hide behind this stupid, the Democrat that only about 10,000 have a subscription to. The point is they did register complaints and somebody at the courthouse has put all the complaints in a folder and they will not pull them out until tonight, he asked will they be pulled out tonight. Mr. Smith stated the point is there has been quite a bit of talk about this, and he went to a little old lady in the basement of the courthouse that said he could challenge the existing variance. So right now he has admitted that he is complying by the original variance, so is the original variance even real at this point. If he has never complied by the original variance, how can we move on to the next discussion. I don't know, the conundrum is we have complained and we tried to stop this meeting itself tonight with that discovery phase as to where we tried to get you guys to go out there and no you didn't want to do that until this meeting tonight is what I was told at the counter that we will not open up this can of worms until this meeting tonight.
- Mr. Schneidewind asked Mr. Norsigian if the board has all of his exhibits that he wants to submit to the board. (Mr. Norsigian stated all of his exhibits have been given. Neighbors submitted pictures.)
- Mr. Schneidewind asked Mr. Baricevic and Mr. Johnson if they had any additional exhibits. (Mr. Baricevic stated they have no additional exhibits.)

MOTION by Meister to take this case under advisement.

Second by Howell.

A roll call vote:

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

Motion carried. This case will be taken under advisement until January 6, 2019 and no further notices will be given in this matter. This case will be heard at the end of the regular agenda items that will be heard after 7:00 PM.

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