

**St. Clair County Zoning Board of Appeals
Minutes for Meeting
At the Courthouse – 7:00 P.M.
March 2, 2020**

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

Members Absent: Steven Howell & Patti Gregory

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

**County Board
Members Present:** Michael O'Donnell, County Board District #22
Marty Crawford, County Board District #24

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 Heberer to approve Minutes of February 3, 2020. Second by Edwards. Motion carried.

Public Comment

There were no persons present for public comment.

Announcement

The application for Subject Case 2019-09-PD – Genvenson & Erika Villavicencio has been withdrawn by the applicant.

New Business – Case #1

Subject Case #2019-24-ABV – Jeffrey & Terri Strieker, 1127 Randolph County Line Road, Marissa, Illinois, owners and applicants and Jeff Strieker, 1127 Randolph County Line Road, applicant. This is a request for an Area/Bulk Variance to allow the division of 3-acres instead of the 40-acres required in an “A” Agricultural Industry Zone District, on property known as 1121 Randolph County Line Road, Marissa, Illinois in Marissa Township. (Parcel #21-34.0-400-004)

Jeffrey Strieker – Owner

- Mr. Strieker stated he and his wife purchased the 40-acre tract of land with two residential homes on it.
- Mr. Strieker explained in the early 70's the owners lived in the farmhouse and erected a pair of outbuildings while their home was being built at 1127 Randolph County Line Road.
- Mr. Strieker stated he and his wife live in the house at 1127 Randolph County Line Road.
- Mr. Strieker stated they would like to divide the farmhouse and one of the outbuildings with 3-acres.
- Mr. Strieker stated he was told by the Zoning Office that having two homes on one parcel is not legal.
- Mr. Strieker stated he would like to straighten the property out to move forward properly.
- Mr. Strieker stated he was initially looking into a 5-acre tract but had a conversation with Duane & Allen Waeltz who farm a number of acres in that location and they suggested he appeal to the board to decrease the number from 5-acres to 3-acres with hopes of disturbing the least amount of tillable ground.
- Mr. Strieker stated he contracted with HGM Engineering from Breese, Illinois to provide the drawings that you have in the packet.
- Mr. Strieker stated he has the recommended road frontage coming North off of Randolph County Line Road.
- Mr. Strieker stated he put a road in that hugs the tree line coming off of Randolph County to the North to his home and that was done with the least amount of tillable acreage disturbed.

- Mr. Strieker stated by selling off the second home with the acreage it will allow him to put that money towards the purchase of the entire property.
- Mr. Strieker stated he spoke with his neighbor, Brandon Despain regarding his application and also spoke Dean and Pam Runyon and they have no objection to this request.

Discussion

- Mr. Meister stated he visited the site and there are two houses on 40-acres and it has been that way for a long time.
- Ms. Edwards asked if the second home on the parcel was built because the first house was inhabitable. (The applicant stated it is his understanding that the owners lived in that home and rented the property. He stated that home was refurbished recently with new carpeting, counter tops, it is 3-bedroom, 2 baths and everything functions in it. He stated both properties have water from Washington County and both have separate metered electrical from Egyptian Electric.)
- Ms. Markezich stated the 2nd home went in sometime in the 1980's.
- Chairman Penny asked if there will be three homes at the end of the process. (The applicant stated there will be two homes. Mr. Strieker stated the original house was built in the late 18 or early 1900's and it was called the farm house, and then new home was built in 1974 and then had a fire in the 1980's when there was a renovation and addition to the home.)
- Chairman Penny asked Ms. Markezich if she heard from the County Board Member. (Ms. Markezich stated she spoke with Ed Cockrell and he is in favor of the request.)
- Ms. Markezich stated the LESA rating score is low – 161.

Public Testimony

There were no persons present for public testimony.

Further Testimony

MOTION by Meister to approve the request.

Mr. Meister stated the variance will not be injurious to the neighboring property owners; the variance will not diminish the value of the land; the variance will not place a hardship on the property and the owner will be able to sell off the second home on the property to retain the farm ground, the adjacent farm ground and house.

Second by Heberer.

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

This case has been approved by this board.

New Business - Case #2

Subject Case # 2020-01-ZA -- M & M Auto Service LLC/Paul Langendorf/Jason Sinn/Mark Hutcheson, 3204 Camp Jackson Road, Cahokia, Illinois, Owners & Applicants and Paul Langendorf, 3204 Camp Jackson Road, Cahokia, Illinois, Applicant. This is a request for a Zoning Amendment to change the zone district classification of certain tracts of land from "B-2" General Business to "I-2" General Industrial Zone District, on property known as 3106, 3108, 3114, 3118, 3201, 3204, 3200 & 3228 Camp Jackson Road, Cahokia, Illinois, in Centreville Township. (Parcel #07-08.0-205-005, 008, 009, 010, 011 & 07-08.0-300-008, 009, 010 & 011)

Paul Langendorf – Owner

- Mr. Langendorf stated he would like to change his current status from "B-2" Commercial to "I-2" Industrial for the purpose of doing an auto parts recycling business.
- Mr. Langendorf stated the business would not be like a traditional auto parts recycling business. He stated cars are brought in and dismantled currently and the business has been in the same location since 1981. He stated there is already an automotive shop on the property where they break down cars and that business has been in existence for 39-years.
- Mr. Langendorf stated he would like to add the component of selling used car parts to his existing business.
- Mr. Langendorf stated the business is an internet-based business and is mostly based off of E-Bay.
- Mr. Langendorf stated the business is ran during the week only, there will be no heavy equipment at any point in time and no change in traffic workflow because the existing business is already a high volume shop.
- Mr. Langendorf stated the area will be concrete; the cars will come in and then be sent to the dismantling bays which are 3-bays out back where all fluids are drained and contained within approved containers. He stated the EPA already comes by the shop every two or so years. He stated then the shells of the car get set out back which will be behind an 8 ft. privacy fence which will be closed and locked.

- Mr. Langendorf stated he will use a roughly 20,000 square feet building that has existed on the property since the 1980's.
- Mr. Langendorf stated he has surveillance cameras, motion detectors, pin switches and anything you could possibly want or need within that facility.
- Mr. Langendorf stated his business is very organized and other businesses that do similar things give his business a bad rap.
- Mr. Langendorf explained the only thing different than what is being done at this location currently is selling used parts on-line.
- Mr. Langendorf stated this business within 3-years would add 15-skilled jobs to the community. He stated he is a community based business and his employees are from the surrounding area.
- Mr. Langendorf stated he believes this business would be complimentary to the area and would do well.
- Mr. Langendorf stated the parcels included in the rezoning request that are not owned by him are currently under contract. He stated if the rezoning is granted, he will buy those properties and clear and level out the area.
- Mr. Langendorf stated he would generate an additional \$4-5,000 a month in tax revenue for the community.
- Mr. Langendorf stated automotive recycling is the most green industry out there. He explained everything in your car is recycled down to the core.
- Mr. Langendorf stated he will have regular hours, Monday through Friday.
- Mr. Langendorf stated he feels the business will increase the property value of the neighborhood because it will be nicer and cleaner.
- Mr. Langendorf stated there will be a minimum impact on traffic circulation because he is only expanding services to M & M Tire that will keep the business viable.

Discussion

- Ms. Markezich stated the applicant filled in some dirt where a tower was located previously. She reached out to IDNR and has not received a response yet. (Mr. Langendorf stated the gentlemen sent him an email but does not believe it is in his jurisdiction.)
- Chairman Penny asked if the property is a low lying wetland area. (Ms. Markezich stated he is in the flood zone.) (The applicant explained if the water comes over the secondary levy then it sits in their pooling zone.)
- Mr. Langendorf stated he believes part of the problem is a broken pump at the Township building. He stated he doesn't mind getting the second pump at the Township building fixed because it would eliminate flooding problems in the area.

Public Testimony

- Patricia Estes McCray, 3221 Camp Jackson Road, Cahokia stated she lives directly across the street from where he would like to build this building. Ms. McCray stated this property is filled with rocks and chat and when the tractors were coming in and out of there, the dust was coming directly into her home and on her property. She stated her car, deck and home were filled with dust and he did nothing like put up a fence to keep that dust from coming into her yard. Ms. Estes-McCray stated she does not want to live across the street from a salvage yard.
- Georgia Shaw, 3232 Camp Jackson Road, Cahokia stated she lives adjacent to his property. She stated this property is located in a flood zone and she cannot get flood insurance because it is so expensive. She stated she has spent \$18,000 to stop the flood in her home. Ms. Shaw stated she is concerned with the air quality because she has asthma. She stated the area is peaceful and he has never given them a problem because he sells tires but she is concerned he is building something in the flood plain. She stated he raised his property up which means if it floods now, she will catch all of the water because he raised his ground up. She stated she would have like for the applicant to have consideration for neighbors before he started this project. Ms. Shaw feels the air quality will be bad with this type of business.
- Ms. McCray also stated the applicant was hauling in dust and dirt and concrete.
- Lucille Jones, 3217 Camp Jackson Road which is across the street. Ms. Jones stated there has been a lot of dirt and dust and she is now on an inhaler and didn't know what it was caused from but it started around the time the applicant started excavation at the property. She stated she likes to see progress in peoples businesses but would like to see a little more consideration towards the neighbors. Ms. Jones also said there has been a lot of noise at 3:00 AM in the morning of dump trucks dumping over there. Ms. Jones stated she does not complain but the trucks would pull in her driveway and Mr. Langendorf would make them move but she said it is very disrespectful and annoying.

Further Discussion

- Chairman Penny asked the applicant how much he elevated the ground near his neighbor's home. (The applicant stated he bought the property adjacent to her house and stated he would like to pay for the pump station pump to be replaced. He stated he only raised a small portion of his property.)
- Ms. Markezich stated the Illinois Department of Natural Resources may still make him remove that dirt.

- Chairman Penny stated the applicant could take some steps in sprinkling and water control to mitigate the dust control issue. (The applicant stated only the initial stages of the business would be dusty. He also stated he would offer her a massive excavator if she would like her land excavated.)
- Mr. Heberer asked how long the parts are on the shelf and how long the vehicles are stored on the property. (The applicant stated it may take up to one-year for the vehicles to be removed.)
- Mr. Schneidewind reminded the board members that they are voting on a zoning amendment not the business that he operates. Mr. Schneidewind stated as a reminder the board is supposed to look at the suitability of the property in question for uses already permitted under the regulations, the County's Comprehensive Plan, the suitability of the property in question for the proposed use, the trend of development in the general vicinity of the property and the degree of compliance with the effect of the proposed rezoning with the Comprehensive Plan.
- Ms. Edwards stated she would like for the Zoning Board Members to look at the permitted uses in the "I-2" Industrial Zoning. Ms. Edwards stated she does not feel that is the correct zoning for the property because there are residential areas and this area is at risk, so she is not sure that Industrial Zoning is the right zoning for this area and if that is the direction they want Camp Jackson Road to go. Ms. Edwards stated she will not vote for an "I-2" Zoning.
- Mr. Meister stated he does not feel like rezoning to Industrial in a flood plain is the best use for this property.
- Ms. Edwards stated she has property in the flood zone/flood way and she cannot do anything on her property without permission, because whatever they may do on their property will impact someone downstream or they could create a dam and create damage upstream. She stated the applicant should have had permission from some type of government regulation for the impact upstream or downstream.
- Mr. Heberer stated a flood pool is different than a flood zone because it doesn't move, he explained it is water that comes in backwards, and there is no flow of a stream or anything else.
- Ms. Edwards stated this area does not warrant an "I-2" Zoning.
- Ms. Markezich reminded the board the applicant is already zoned "B-2" General Business and there is an entire list of businesses he is permitted to run on this property.
- Mr. Langendorf stated the entire strip he is on is "B-2"; he stated there are four houses that are on his side of the street. He stated there is one junk yard that is in the worst pooling spot of the flood zone; he stated there are 4 or 5 junk yards within ½ mile of this property. He stated he has been at this business for 17-years and has yet to see a business make it, survive and add benefit to this community. He stated with Shop n Save going under and the

Hardee's and Dairy Queen going under, it is a very specific environment and while the stigma behind the junk yard, this is a modern day business and is not as bad as you think. He stated the area is already heavy business, it's either the loggers, used car sales or junk yards that are in this area. The applicant stated he would provide 35 skilled jobs to the area.

- Ms. Edwards stated if the Zoning Board grants an "I-2" Industrial Zoning then there is no control over what business goes on the property. Ms. Edwards feels this area is at risk and stated the Zoning Board needs to make sure that there is no further harm or damage done to the area.
- Chairman Penny would like to see a map of the salvage yards in the area in relation to this property with the residential housing units. Chairman Penny would also like to see the area that was filled in linear feet so that he sees if that is correctable.
- Ms. Markezich stated we may have to wait until the applicant hears from the IDNR on the fill he placed on the property.
- Ms. Meister asked if the board would change the request from rezoning to Planned Development. (Mr. Schneidewind stated he would have to look into the request. Ms. Markezich stated the applicant cannot dismantle vehicles under the current "B-2" zone district.)
- Mr. Penny stated he feels the application should be taken under advisement to allow the applicant to meet with his neighbors to work through some of the issues. Mr. Penny stated he feels like the issues can be addressed.

County Board Member, Marty Crawford stated he is concerned for his constituents and family that live in this area. Mr. Crawford stated he cannot support the application at this time as it is presented.

Motion by Edwards:

The board has heard from the applicant and concerned property owners; there are circumstances in this case that the board does not have answers to at this time and the Chairman has requested for several issues to be addressed regarding the dirt brought in and alternating the topography in a flood zone. The applicant will have to submit a site plan with an overall summary of operations and this case will be taken under advisement until May 4, 2020.

Second by Deitz.

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

This case has been taken under advisement by this board until May 4, 2020. There will be no further notices given regarding this case.

New Business – Case #3

Subject Case #2019-11-PD -- High Prairie Farms, Inc., 2895 Mulligan Lane, Belleville, Illinois, Owners & Applicants and Luke & Stacie Mayer, 3620 High Prairie School Road, Belleville, Illinois, Applicants. This is a request for a Special Use Permit for a Planned Building Development pursuant to Section 40-9-3(H)(3) to allow a Landscaping Company in an "A" Agricultural Industry Zone District, on property known as 2895 Mulligan Lane, Belleville, Illinois, in Smithton Township. (Parcel #13-05.0-400-006)

Shane Moskopf is present as attorney for the applicants.

Luke Mayer, Owner

- Mr. Mayer stated he is the owner of the Mayer Landscaping and High Prairie Farms along with his wife Stacey.
- Mr. Mayer stated he is proposing to get a Special Use Permit to allow his business on the back side of High Prairie Farms.
- Mr. Mayer stated he submitted a map to the Zoning office with the area marked that will be used for the Landscaping Company.
- Mr. Mayer stated Mayer Landscaping has operated out of this facility for 17-years. He stated this is a small business along with his father and partners farm.
- Mr. Mayer explained they started the business after college and worked up until 2016 under their ownership. He stated he purchased the property from his family in 2016.
- Mr. Mayer stated Mayer Landscaping is a seeding and sod company and has been since 2003. He stated in 2005 or 2008 they started doing highway seeding and sodding and they use a lot of straw. He stated High Prairie Farms provides the straw for the business.
- Mr. Mayer explained Mayer Landscaping cannot succeed without the large amount of straw provided from High Prairie Farms and High Prairie Farms could not survive without Mayer Landscaping because that is their main source of funding.
- Mr. Mayer stated in addition to these businesses they raise cattle on the property, he explained the facility was a dairy farm for 45 plus years. He bought 8 hobby cattle, that since turned into 95 hobby cattle.
- Mr. Mayer stated he and his wife Stacey have triplets and play farmer on the weekends with their children.

- Mr. Mayer stated High Prairie Farms takes care of the J & R Landfill which is controlled by the County. It is a 75-acre site that they mow and bail which then provides feed for the cattle. He stated they also bail, cut and mow approximately 150-acres at Mid America Airport.
- Mr. Mayer stated in 2016 the 911 Memorial was put up at the firehouse and Mayer Landscaping donated approximately \$10,000 dollars in labor to put in sod at the memorial.

Discussion

- Chairman Penny stated he thought Landscaping Companies were a permitted use in the Agricultural Zone District. (Ms. Markezich stated a Landscaping Company requires a Special Use Permit in an Agricultural District.)
- Mr. Meister stated he visited the site and the property is extremely isolated and feels this is the perfect location for that amount of straw.
- Ms. Edwards stated the hours are 6:30 AM to 4:00 PM and asked the days of the week. (The applicant stated the days are Monday through Friday.)

Public Testimony

- Mr. Joe Gain stated he is a neighbor and has never had any problems with the business and has no objections.
- Mr. Bill Stumpf, 2899 Mulligan Lane stated he is one of the people that they purchased the ground from. He stated when it was a dairy farm there was way more equipment out there and the neighbors had to put up with the manure smell. Mr. Stumpf stated he is in favor of the proposal.
- Mr. Craig Zitta, stated he owns the property due West and is complete favor of the request. He stated the company helps out the community and neighbors.

Further Testimony

County Board Member, Michael O'Donnell stated the property is isolated and surrounded by farmland and believes this is the perfect spot for this operation and has received no objection from neighbors.

Ms. Markezich stated she received no correspondence from neighbors.

Mr. Heberer stated he will abstain from the vote; the applicants are friends of his.

MOTION by Meister to approve the request.

The applicants are requesting a Special Use Permit and the use will adequately protect the public safety and welfare and physical environment of the area, the

request is compatible with the Comprehensive Plan because a substantial portion of this business is agricultural in nature; the Special Use Permit will not have a negative effect on neighbors properties with being so isolated; there will be an increase on the overall tax base; the Special Use Permit will have no effect on the nearby public utilities or traffic.

Second by Edwards.

A roll call vote:

Meister -	Yes
Heberer -	Abstain
Deitz -	Yes
Edwards -	Yes
Chairman Penny-	Yes

Motion carried.

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

New Business – Case #4

Subject Case #2019-09-PD has been withdrawn by the applicants.

Old Business – Case #5

Subject Case 2019-18-ABV -- Barry Hayden (Booker Management LLC), 6600 Beil Road, Millstadt, Illinois, Owner & Applicant. This is a request for an Area/Bulk Variance to allow the division of 7-acres instead of the 40-acres required in an "A" Agricultural Industry Zone District, on property known as 6600 Beil Road, Millstadt, Illinois, in Millstadt Township. (Parcel #12-11.0-400-010, 12-11.0-200-005 & 12-11.0-206-014)

Barry Hayden, Owner/Applicant

- Mr. Hayden stated he lives at 6580 Beil Road, Millstadt.
- Mr. Hayden stated he would like to divide off the home on the property at 6600 Beil Road with 7-acres to put in a Trust for the grandchildren.
- Mr. Hayden stated the division will have 100 ft. of access to the road.

Discussion

- Chairman Penny asked if there has been any correspondence from neighbors. (Ms. Markezich stated there has been no correspondence from neighbors.)
- Mr. Meister asked where the frontage is coming from. (The applicant explained he will have 100 ft. coming off of Beil Road.)
- Mr. Schneidewind asked the applicant what he will do with the balance of the property. He asked if there are plans for development. (The applicant stated he will give the remainder of his property to his children and it will have access to a road in Cedar Creek. He stated there are no immediate plans for development.)
- Chairman Penny asked if the home will be sold or it will be held onto for the Trust. (The applicant stated he is giving the home to his grandchildren that are two and seven and with a Forever Trust he will have control over the home while he is alive.)

Public Testimony

There were no persons present for public testimony.

Further Testimony

County Board Member, Michael O'Donnell stated he has not visited the property in years since Mr. Hayden has been developing it. He stated he has not received any correspondence from neighbors either for or against the proposal. Mr. O'Donnell stated with the 100 ft. of frontage and the fact that it will not affect the remaining property; he is in favor of granting the request.

MOTION by Edwards to grant the request.

This are public utilities on the property with public water and septic or aeration; the Comprehensive Plan calls for residential. The request is in harmony with the general purpose and intent of the Zoning Ordinance; the request will not be injurious to the neighborhood or detrimental to the public health and welfare; the request is in conflict with the Comprehensive Plan; there are no increased hazard or other dangers to the said property, it will not diminish the value of the land or buildings in the immediate area or throughout the County; the request will not increase traffic congestion in a public area; the request will not increase the potential for flood damage to adjacent properties and will not impair the public's health, safety and comfort.

Second by Heberer.

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

This case has been granted by this board.

Old Business – Case #6

Subject Case #2019-19-ABV -- Clinton W. & Kim Y. Bland, 1173 Old Vincennes Trail, O'Fallon, Illinois, Owners & Applicants. This is a request for an Area/Bulk Variance to allow the division of 1-acre instead of the 3-acres required in a "RR-3" Rural Residential Zone District, on property known as 1173 Old Vincennes Trail, O'Fallon, Illinois, in O'Fallon Township. (Parcel #04-28.0-200-025)

Clinton Bland, Owner/Applicant

- Mr. Bland stated they own this tract of land and his parents live in the house on the corner. Mr. Bland stated his parents have both passed away and they would like to sell the home with one-acre of the property.
- Mr. Bland stated the property has been in their family forever.

Discussion

- Ms. Markezich confirmed the applicant will fix the property lines where the building is over the line. (The applicant stated he will combine the properties if the board requires him to.)
- Ms. Markezich stated the consolidation will be required so the property in the back is not land-locked.
- Mr. Schneidewind stated if the applicant were to ever sell the property he would run into problems with the building over the line. (The applicant stated he has no issue with consolidating the two tracts.)
- Discussion between board members regarding which parcel will be divided off.

Public Testimony

There were no persons present for public testimony.

Further Testimony

MOTION by Heberer to approve the request.

The request will not be in conflict with the Zoning Ordinance and propose the request be approved.

Edwards seconds.

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

Motion carried.

This case has been granted by this board.

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