

**St. Clair County Zoning Board of Appeals  
Minutes for Meeting  
At the Courthouse – 7:00 P.M.  
September 1, 2020**

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

**Members Absent:** Patti Gregory

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

**County Board**

**Members Present:** Kevin Dawson, County Board Member, District 20  
John West, County Board Member, District 15

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**Pledge of Allegiance**

**Call to Order**

The meeting was called to order by Chairman, Scott Penny. Chairman Penny stated the Zoning Meeting is operating under special rules for the COVID-19 Pandemic which limits the number of individuals present in the room on behalf of the applicants and participants. Chairman Penny stated the meeting is also available for the public to listen but cannot give testimony due to the inability to swear them in or verify their identity.

**Roll Call and Declaration of Quorum**

The roll was called and a quorum declared present.

**Approval of Minutes**

**MOTION** by Dietz to approve Minutes of August 3, 2020. Second by Meister.  
Motion carried.

**Public Comment**

There were no persons present for public comment. There were also no persons present for public comment via telephone.

**New Business – Case #1**

Subject Case #2020-04-ABV, Patrick & Christa Miller, 4605 Emil Burgard Lane, Mascoutah, Illinois, Owners & Applicants. This is a request for an Area/Bulk Variance to allow the division of 4.75-acres and 11.42-acres instead of the 40-acres required in an “A” Agricultural Industry Zone District on property known as 4605 Emil Burgard Lane, Mascoutah, Illinois in Fayetteville Township. (Parcel #19-05.0-400-006 & 009)

**Christa Miller/Patrick Miller-Owners/Applicants**

- Mrs. Miller stated they are proposing that the two adjacent parcels of land they currently own be re-divided into a 4.75-acre tract and a 11.42-acre tract.
- Mrs. Miller stated this division will preserve the existing home on the property and they would like to build a new home on the 4.75-acre tract.

**Discussion**

- Chairman Penny asked who lives in the existing home. (The applicant stated she, her husband, son and mother live in the home currently and her mother will remain in the home after they construct a new home.)
- Ms. Edwards asked if there is access to public water on this property. (The applicant stated there is no access to public water.)
- Ms. Edwards asked if there is adequate water for the existing home. (The applicant stated there is adequate water.)
- Ms. Edwards asked if they will install a new septic system. (The applicant stated they will put in a new system for the new home.)
- Chairman Penny asked where on the new parcel will the new home be built. (The applicant stated they will build east of the front property line.)

**Public Testimony**

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

**Further Testimony**

County Board Member, Kevin Dawson stated he feels this division will not affect any of the surrounding properties owners and has no objection to the request. Mr. Dawson stated he is in favor of granting the application.

**MOTION** by Meister.

The applicant is reconfiguring two lots to build a home on the property. The request is not injurious or problematic with the division not creating any additional lots. Motion to approve.

Second by Deitz.

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

This case has been granted by this board.

**New Business - Case #2**

Subject Case #2020-06-ABV – Torre Tribout TR, 71 Country Club Place, Belleville, Illinois, Owners and Torre Tribout, 71 Country Club Place, Belleville, Illinois, Applicant. This is a request for an Area/Bulk Variance to allow the construction of an attached garage 5 ft. from the side property line instead of the 10 ft. required in a “SR-2” Single-Family Residence Zone District, on property known as 71 Country Club Place, Belleville Illinois in Stookey Township. (Parcel #07-02.0-208-014)

**Torre Tribout, Owner/Applicant**

- Mr. Tribout stated he has two letters to present to the board. One letter from the adjacent neighbor in favor of the request and another one from the homeowners association in favor of the request.
- Mr. Tribout stated they currently have a garage that is on the property line.
- Mr. Tribout stated that garage on the property line will be removed and a new garage built that is attached to the home.

### Discussion

- Chairman Penny asked how far back from the front of the house the construction will begin. (The applicant stated construction will begin even with the mud room on the site plan.)
- Chairman Penny asked how far back the construction will continue to the rear of the home. (The applicant stated the construction will be 20 ft. short from the rear of the home. The applicant stated they are trying to get as much width on the garage as they can to store SUV's.)
- Ms. Markezich asked if the applicant has a new drawing for his proposal. (The applicant stated he has a modified map.)
- Chairman Penny asked the linear feet of the garage. (The applicant stated the garage will be approximately 30 ft. long and 17 or 18 ft. in width.)
- Ms. Markezich stated the minimum distance between buildings on adjacent lots is 20 ft. and it looks the applicant has 14 ft. so that would part of the variance if this request is granted.
- Mr. Schneidewind stated the setback requested was 5 ft. and what is the setback at this time. (The applicant stated they are requesting a 2 ft. setback.)
- Chairman Penny stated the 2 ft. setback will put you closer to the adjacent home. (The applicant stated he will be approximately 12 ft. away from the adjacent home.)

### Public Testimony

There were no persons present for public testimony for this case.

### Further Discussion

Ms. Markezich stated County Board Member, Marty Crawford will support the decision of the Zoning Board of Appeals.

Motion by Edwards:

The Comprehensive Plan calls for residential; the applicant stated his reason for the request is to construct a new and larger garage; the applicant will remove the existing garage that is 60 plus years old and replace with an attached garage; the board takes in consideration the neighbor that will be most impacted by the variance and the nearest neighbor has no issue with the construction with the exception that the garage be pushed back further on the home so it will have less impact. The applicant has revised his plan to push the garage back to the mudroom and has provided a revised site plan. The new site plan will allow for a 2

ft. side setback and there will be a 12 ft. setback between principal buildings instead of the 20 ft. required. Motion to approve this request.

Second by Howell.

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

This case has been approved by this board.

### **Old Business – Case #3**

Subject Case #2020-03-PD – Hannes LLC c/o John Michel, 184 Summerlin Ridge, O'Fallon, Illinois, owners and Alexandra Gober & Mary Joan Gober, 1 Hunters Trail, Mascoutah, 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 Canine Daycare and Boarding Facility in a "B-1" Retail & Service Business Zone District on property known as 4404 E. Hwy 161, Belleville, Illinois in Shiloh Valley Township. (Parcel #09-23.0-103-007)

### **Alexandra Gober, Applicant**

- Ms. Gober stated she and her daughter purchased the property located at 4401 E Hwy 161, Belleville.
- Ms. Gober stated they would like to open a pet boarding business on this property.
- Ms. Gober stated she feels like this is a perfect location for the business with it being zoned "B-1" Business.
- Ms. Gober stated the Health Department inspected the property and noted the new septic system has to be 50 ft. from the well located on the adjacent property in the rear.
- Ms. Gober stated the proposed business will connect with Illinois American Water. She stated they are not sure they can connect at this time but that is their plan.

Discussion

- Chairman Penny asked what type of water and sewer is on the property at this time. (The applicant stated they located the well which will have to be filled in and are still looking for the septic system.)
- Chairman Penny asked if the existing building has a drainage system. (The applicant stated they cannot tell if there is a drainage system because the building is so dilapidated. She stated there were bathrooms in the building at one time, because there was a dry cleaning business and a restaurant/bar at one time. Alexandra Gober stated the property is currently a nuisance value because there is currently no roof on the building.)
- Ms. Markezich stated the recommendation of the Health Department calls for a new septic system and for the well to be abandoned.
- Chairman Penny asked where IL American Water is located. (Mr. Heberer stated the water is probably across the street at Patriots Landing Subdivision and then goes on past.)
- Ms. Markezich stated she spoke with the applicant today and she agreed to update the site plan because in a "B-1" Zone District the building is supposed to be 75 ft. from the front property line and she was proposing to be 25 ft. Ms. Markezich stated if the applicant moves back to 45 ft. that will move them back far enough off the highway to allow some parking spots.
- Mr. Heberer asked what the applicants will do with the building in the rear of this property. (Ms. Markezich stated that property is not owned by the applicants.)
- Ms. Markezich stated the applicants will clear this lot because it is overgrown with trees at this time and the building located on the property is dilapidated. Ms. Markezich stated she also suggested to the applicant that she change the parking to allow parking facing State Rte 161, so no one is backing up onto the Highway. She stated the applicants have agreed to these changes.
- Mr. Heberer stated this property has been overgrown for a very long time.
- Mr. Howell asked how the animal waste finds its way into the aeration system. (The applicant explained there is a system you connect to the aeration system called a waste away disposal system that is connected to each dog run that will flush into the system.)
- Ms. Dietz asked if the applicants are the current owners. (The applicants are the current owners of the property.)
- Mr. Meister asked if there will be a structure on the property. (Ms. Markezich explained the site plan shows a building with the dog runs.)
- Chairman Penny asked if the kennels are inside the structure with solid walls. (The applicant stated that is correct.)

- Chairman Penny asked if each kennel will have its own door. (The applicant stated each kennel will have its own door. She explained there are 12-runs and there will be a little outdoor area.)
- Chairman Penny asked if 12-runs means 12 rooms where the dogs will be. (The applicant stated that is correct with a partial concrete wall between each one.)
- Mr. Heberer stated there is a berm and a water retaining area that will act as a buffer to the subdivision across the street. (Ms. Markezich stated the dogs will be in the back, and the residential homes are in the front which are several hundred feet away.)
- Chairman Penny asked the hours of operation. (The applicant stated the proposed hours are Monday through Friday, 7:00 AM to 7:00 PM and Saturdays 7:00 to 2:00 PM. She stated they will be closed on Sundays for daycare and will be open for appointment only.)
- Mr. Meister asked the number of dogs maximum at the site. (The applicant stated a maximum 17-dogs in the building.)
- Ms. Edwards stated she is confused if the dogs will be outside all the time. (Mary Grober stated each dog run is an individual space and then there is a doggy door between indoor and outdoor space so that they can go in and out as they need to use the bathroom. The outdoor play area in the back, they will get 30-minute intervals throughout the day for play time and recreation and then they will be put back in their kennel. She stated they would be guessing the maximum twelve because some families may have two dogs they want kept together so maybe there might be 13 that day.)
- Ms. Edwards questioned if the dogs have a kennel on the inside and then there is a kennel that is outside in the open air and they can go in and out at will and if there is a play area where they can free play. Ms. Edwards asked how many dogs will be out in the play area at one time. (The applicant stated that will be based on their survey and size and what the owner would prefer. The applicant stated there will be maybe five at a time outside at one time.)
- Mr. Heberer asked whether the doggy doors are lockable and can they be locked while the other dogs are outside in the free area. (The applicant stated the doggy doors lock.)
- Ms. Edwards stated the biggest concern for this business is the noise nuisance because dogs bark and when you are out in the rural area the sound travels further than it normally would. She stated there is a full-time resident right in the back yard and then there is a piece of property that may have a drainage problem. (The applicants stated they are not aware of a drainage problem on the property.)
- Ms. Edwards asked if there has been any water run-off on the property. (Ms. Markezich stated at this time the entire property is totally overgrown,

so the applicants may not know if there is a run-off problem until they clear the property.)

- Ms. Edwards stated the board will always consider the existing property owners in the area and the impact of their quality of life and enjoyment of their properties. She stated the fact that the dogs are at will, in and out, is a concern and then the dog park. (The applicant stated the dogs are monitored when they are outside and the noise level is monitored. The applicant stated they are willing to work with the neighbor on times the dogs are let out.)
- Ms. Edwards asked how many parking spaces the business will have. (The applicants stated they will have 5-6 parking spaces facing the highway so the customer can pull straight out and not back up onto the highway.)
- Ms. Edwards asked if these parking spaces will include the parking spaces for the staff. (The applicant stated most customers are pulling up and picking up they do not stay at the facility.)
- Ms. Edwards asked how many times the dogs will be let outside. (The applicant stated the dogs will be let out for playtime two times, each day.)
- Mr. Heberer asked what will happen when the employees go home for the day and the neighbor is still there dealing with the noise level. (The applicant stated the dogs will be locked in the building at night time for safety reasons. The applicant stated there will be a small amount of dogs boarded, the main focus of the business is daycare.)
- Ms. Edwards asked where the overflow parking will be on the property. (The applicant stated looking at the map, there is 45 ft. and an average parking spaces is 8ft. x 16 ft., so the overflow could be up against the front of the building on either side.)
- Ms. Edwards stated she does not want the neighbor's driveway blocked. (The applicant stated there is a fence around the property and that is a separate driveway.)
- Ms. Deitz asked the applicants if they would consider having an appointment time for drop-off and pick-up. (The applicants stated that is a good idea they would consider.)
- Ms. Markezich stated the applicants need to contact IDOT to see how many entrances they will be given for access to the property and how wide they have to be.

### **Public Testimony**

- Douglas Murray, 4400 State Rte. 161 East, Belleville stated he would like to lay out a few problems with the property. Mr. Murray stated the property has no parking and with businesses in the past they would take out his mailbox and back out onto the highway. He explained each business in the

past had problems with the sewer system running over on the ground because it was inadequate. He also stated the parking is an issue because there is not much there with the property only being 113 ft. deep and 105 feet wide. He stated his major concern would be the animal feces. Mr. Murray stated there is also a problem with the drainage ditch, the neighboring business just built another large building that will drain to the reservoir they have which will not be adequate because it has been full before and now we will be adding more sewage. Mr. Murray is also concerned with noise coming from the building. Mr. Murray stated he wishes the ladies the best and would not want to stand in the way of someone running a business. He stated he does not feel that this is a good place for a business.

- Douglas Murray asked about the noise from dogs barking. (Alexandra Gober stated regarding the noise, there are twelve dog runs and there will be 30-minute intervals of play yard time each day. Ms. Gober stated they will be indoors most the day and night. She also stated when the dogs are outside they will be monitored.
- Douglas Murray stated dogs have personalities and when their owners drop them off in a strange place they will howl and bark all night long. Mr. Murray stated he would also like a phone number if the animals are howling throughout the evening and the animals will be relieving themselves in the middle of the night and then they will hose it off and that will poison his well, which is about 30 ft. away. He stated the applicants cannot dump all of their animal waste and not expect to have repercussions. (Ms. Edwards stated she thought the properties were on city water not on wells.) Mr. Murray stated there is public water across the street and that will cost a lot of money to run under the highway.

### Further Testimony

Jana Moll, County Board Member, District 19 stated she is in favor of the request by the applicants. She visited the site today and looked at the area. She stated this property is currently an eyesore and feels like the neighbors in the area may utilize this proposed service and she is in favor of the request.

Dave Tiedemann, Shiloh Valley Township Supervisor stated this property has been abandoned for about 20-years since the last business was on that property. He stated anyone who wants to come in and clean that property up has his support. Mr. Tiedemann stated he feels the parking issues and drainage can be worked out with the County and the Health Department. He stated the entrance is not defined, it is a culvert across a flat portion of land adjacent to Highway 161. He explained the property is not really in a low area and the field will flood before the

property would. Mr. Tiedemann stated he is in favor of the business and getting this property cleaned up.

**MOTION** by Meister.

The applicant has presented a site plan for the business; the number of animals were stated and a written business plan has been submitted; the applicants stated they will close off the dogs from outside annoyances at the end of the day; the dogs will not have access to the outside at night; the applicant will post a 24-hour contact number for the neighbor to contact the applicants in an emergency; the applicant will have parking in accordance with the St. Clair County Code; and as per the plans the building will be at a 45 ft. setback. Motion to approve this request.

Second by Heberer.

**A roll call vote:**

|                 |     |
|-----------------|-----|
| Meister -       | Aye |
| Howell -        | Nay |
| Edwards -       | Nay |
| Heberer -       | Aye |
| Dietz-          | Aye |
| Chairman Penny- | Aye |

Motion carried.

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

**Old Business – Case #4**

Subject Case #2020-09-ABV, Elisa H. Hager, 1805 Bowler Road, O'Fallon, Illinois, owner and Chris VandeLinde, 632 Royal Crest Way, O'Fallon, Illinois, Applicant. This is a request for an Area/Bulk Variance to allow the division of three parcels with 5-acres instead of the 40-acres required and 25 ft. of frontage instead of the 100 ft. required in an "A" Agricultural Industry Zone District on property known as 1805 Bowler Road, O'Fallon, Illinois in O'Fallon Township. (Parcel #04-07.0-400-052)

**Chris VandeLinde, Applicant**

- Mr. VandeLinde stated he and his wife recently purchased this property and are planning to move into the home next week.
- Mr. VandeLinde stated he would like to parcel out these properties similar to how it was previously parceled in 1994 as 3-parcels instead of the one that Mrs. Hager and her late husband consolidated.
- Mr. VandeLinde stated he would like to divide this property into three parcels keeping 2-acres with the homestead and then selling one 5-acre plat to help finance the purchase.
- Mr. VandeLinde stated he would like to sell the property to neighbors or close family members.

**Discussion**

- Mr. Meister asked the applicant to explain the existing buildings on the property. (The applicant stated there is a horse corral, a large outbuilding and the house and a pond.)
- Ms. Markezich asked the applicant why he asking for three parcels if he is only selling one parcel. (The applicant stated it was suggested by the County to put the property back to what it was in 1994.)
- Ms. Markezich stated the parcels will be different than the original parcels because he will have to go around structures on the property. (The applicant stated that is correct.)
- Ms. Markezich asked if the new parcels will have their own driveway. (The applicant stated they will have the ability to have their own driveway but there is only one driveway, that will be the access point. He explained there is room for two more driveways. The new purchaser would have the ability to have a driveway right up their frontage or we could grant them an easement to share the driveway. Mr. VandeLinde stated he is open to either choice.)
- Mr. Meister asked how wide the frontage would be. (Ms. Markezich stated there is 25 ft. for each proposed parcel.) (The applicant stated he will have a survey done to get the exact frontage, but there is plenty of room for three driveways.)
- Mr. Meister asked if there is a current common easement. (The applicant stated there is no easement currently.)
- Ms. Deitz asked if the applicant has a survey. (The applicant stated he has an old survey but he just purchased the property last week and has not had a survey just yet.)
- Mr. Heberer asked the applicant to explain again why there are three driveways and if this is his forever home why is he selling off the barn and

riding arena. (Mr. Vandelinde stated he was under the impression he could only do one or three and that was his only option, he stated he has no problem with two parcels.)

- Mr. Meister stated if the aerial photo is correct, there is a driveway that goes to an adjacent property owner. (The applicant stated the aerial photo seems to be off a little and he does not believe that driveway is actually on his property.)
- Mr. Schneidewind asked the measurement of frontage across the front of the parcel, as it exists now. (The applicant stated in the legal description he thought it was described but was unable to find it.)
- Mr. Schneidewind stated following up on Mr. Heberer's argument splitting a parcel into two with limited frontage is more desirable than three parcels with access an issue. Mr. Schneidewind stated easements can be very problematic. (Mr. Vandelinde stated he understands the concern.)
- Mr. Meister confirmed this parcel was deeded and sold as a 15.87-acres parcel. (The applicant stated that is correct.)
- Ms. Edwards stated she is not in favor of the division of three parcels, she stated this board has denied so many of these cases because they do not meet the setback requirements.
- Mr. Meister stated he is also not in favor of the request and asked if the applicant can come back before the board and ask for two lots. (Ms. Markezich stated the applicant can come back before the board and request two lots, he also has the option of annexing into the City of O'Fallon because his property abuts the City.) (The applicant stated he contacted the City and the pole barn and horses are not consistent with their Zoning regulations. He stated there is also an issue with the gravel drive. He stated he would be more than happy to revise the application to two parcels.)
- Ms. Markezich stated the old maps show 75 ft. of total frontage but when you look at the current maps it looks larger. (The applicant stated he can show the board a photo, he believes the frontage is larger than 75 ft. he stated it's a large space. He stated there is space for two driveways.)
- Ms. Edwards stated she does not know where the vote will go but possibly the applicant could withdraw his request and revise it.
- Ms. Markezich stated she received correspondence from O'Fallon Township in favor of the request. (The applicant stated adjacent neighbors were at the Township meeting and they were all in favor of the request.)
- Mr. Meister asked if the board would vote on two lots instead of three lots. (Ms. Markezich stated the board could vote if they knew how much frontage was available and with the maps presented the board does not know how much frontage is available.)
- Mr. Heberer stated the applicant could either withdraw his case or the board could take this under advisement until next month.

**Public Testimony**

There were no persons present for public testimony.

**Further Testimony**

County Board Member, John West stated he is not in support of the request as it is presented with 25 ft. of frontage for each parcel, he does not feel it is adequate for three driveways.

Mr. West stated he had a similar case last year, the case of Thomas Zajicek, 155 O'Fallon Troy Road. The applicant wanted to consolidate some parcels and he noted to that property owner that the board will not allow them to re-divide in the future.

**MOTION** by Deitz to deny this request.

The utilities on the property are public water and septic tank; the Comprehensive Plan calls for Rural Residential; the request is not in harmony with general purpose and intent of the zoning ordinance; and the request is not consistent with the Comprehensive Plan. Motion to deny this request.

Second by Edwards.

**A roll call vote:**

|                        |            |
|------------------------|------------|
| <b>Meister -</b>       | <b>Aye</b> |
| <b>Howell -</b>        | <b>Aye</b> |
| <b>Edwards -</b>       | <b>Aye</b> |
| <b>Heberer -</b>       | <b>Nay</b> |
| <b>Dietz-</b>          | <b>Aye</b> |
| <b>Chairman Penny-</b> | <b>Aye</b> |

This case has been denied by this board.

**New Business – Case #5**

Subject Case 2020-06-PD – Nicole & Jacob Miller, 201 Atlantic Avenue, O'Fallon, Illinois, owners and 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 Lawn Care Business in an "A" Agricultural Industry Zone District on property known as

10550 Rieder Road, Lebanon, Illinois in O'Fallon Township. (Parcel #04-23.0-100-034)

**Jacob Miller & Nicole Miller, Owners/Applicants**

- Mr. Miller stated he owns a small Lawn Care Business with a few trucks and trailers that he would like to run out of his home.
- Mr. Miller stated he has a few employees that show up in the morning, they leave and come back in the evening.
- Mr. Miller stated there really isn't a business being ran here it is just in a sense, a parking lot.

**Discussion**

- Ms. Markezich stated in 2019 the applicants were issued a permit for a pole barn house. The building inspector went out to do an inspection on the home during construction and found the violation.
- Ms. Edwards stated the summary says they have been in business since 2009. (Ms. Markezich stated this building was built in 2019.)
- Ms. Markezich stated if the applicant would have said there was a business in the pole barn, it would have had to follow commercial code regulations where the vehicles are parked.
- Ms. Markezich stated even if this request is granted, the applicant may have to upgrade to commercial code such as drains and exit signs. (The applicant stated the building is not used for the business, only a small section of the driveway there is a parking lot for the vehicles.)
- Ms. Edwards stated when employees show up at a home that is a business. Ms. Edwards asked how many employees the applicant has. (The applicant stated he has six employees.)
- Ms. Edwards asked what time the employees show up to the property. (The applicant stated the employees arrive at approximately 7:00 AM and return around 5:30 PM.)
- Ms. Markezich stated the building inspector will only ask the applicant to upgrade the section that they are using for the business.
- Mr. Meister asked if all of the neighbors are related. (The applicant stated that is correct.)
- Ms. Markezich asked if there is an office in the building. (The applicant stated there is no office.)
- Ms. Edwards stated the board has to follow the code and be consistent by making everyone follow the codes.
- Ms. Edwards asked if anything is stored outside. (The applicant stated he stores two trucks and two trailers outside.)

- Ms. Edwards asked if there are any other businesses in the area. (The applicant stated there are several business in the area, a pool company, a lawncare, a trucking company all within a couple miles.)
- Ms. Deitz confirmed the applicant does not have an office. (The applicant stated everything is done through phone and email.)
- Ms. Schneidewind asked the applicant if the business has been in operation since 2009, why didn't he alert the Director at the time of the permit that he would operate a business on the property. (The applicant stated he owned a property in the City of O'Fallon and they said he couldn't run a commercial business in a residential area and they recommended he buy ground in the County to park trucks and trailers there.)
- Ms. Miller wanted to clarify there is a trucking company off Rieder Road which is about a mile down the road and then another Lawn Care Business that was granted a Special Use Permit. Ms. Miller stated there are other businesses in the vicinity and their business is ran out of their driveway. She stated she has a home office that her husband sometimes uses the computer. Ms. Miller stated she just wanted to clarify some of the things that her husband was not as detailed about.
- Ms. Edwards asked if the applicant brings anything home such as clippings and tree limbs. (The applicant stated he dumps those as St. Louis Compost.)
- Ms. Edwards asked if the applicant does snow plowing. (The applicant stated he does very little.)
- Ms. Edwards asked if those supplies are kept at their location. (The applicant stated that is correct.)
- Ms. Edwards asked Ms. Markezich if normally a Lawn Care the Zoning Board requires everything to be stored inside so we should follow the same precedence.
- Ms. Markezich stated the O'Fallon Township Board is not opposed and there is a signed petition with seven property owners in favor of the request.

**MOTION** by Heberer.

The applicant will adhere to the rules and regulations of the Zoning Office for Lawn Care Businesses such as all equipment must be stored inside; the building will have to be brought up to commercial code in the areas that is affected by the business; this Special Use Permit will be for this applicant only and not for future property owners. Motion to approve the request.

Howell seconds.

**A roll call vote:**

|                 |     |
|-----------------|-----|
| Meister -       | Aye |
| Howell -        | Aye |
| Edwards -       | Aye |
| Heberer -       | Nay |
| Dietz-          | Aye |
| Chairman Penny- | Aye |

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

**Old Business – Case #6**

Subject Case 2018-06-SP – Request from Sunvest to expand the Special Use Permit granted by the County Board on July 30, 2018 to allow 4 MW Solar Farm Energy Systems in an “A” Agricultural Industry Zone District on property known as XXXX Mulligan Lane, Belleville, Illinois. (Parcel #13-04.0-400-002 & 13-04.0-402-002)

Patrick Dolseth, Sunvest Solar stated they purchased this project from the previous developer before the projects went into the Illinois Power Association Lottery. This project was granted two separate projects of 2 MW each for a total of four with conditions of approval. Mr. Dolseth stated his company is aware of the conditions and will not change the site plan and will adhere to the conditions as placed on each case.

Mr. Schneidewind confirmed Sunvest Solar purchased the project from Innovative Power Systems, Inc. Mr. Dolseth stated the purchase was a membership interest/purchase sale. They essentially signed all of the permits and all of the leases were purchased by Sunvest.

Ms. Markezich stated the applicant was required to inform us of the ownership change which they have done.

Ms. Deitz asked if the cases that were granted run with the land or with the applicant.

Mr. Schneidewind stated the first stipulation of the case was that if the current owner of the property or the current applicant ever transfers their interest in the property or facility that the new owner/applicant must apply to the Zoning Board of Appeals for modification of this Special Use Permit and obtain approval from

the Zoning Board of Appeals for the transfer of the Special Use Permit to the new owner or applicant.

Mr. Penny asked if the board can continue with the hearing as presented tonight. Mr. Schneidewind stated as presented tonight, the board cannot vote on this case and the applicant did not apply prior to the deadline and the prior applicant did not submit petition this board to transfer the permit.

Mr. Dolseth stated he was under the impression that the transfer clause was ultimately taken out. (Ms. Markezich stated she understood the transfer clause was for the property owner.)

Mr. Schneidewind stated the Motion by Ms. Edwards stated that they must apply to the Zoning Board of Appeals for modification of the Special Use Permit and that was not done.

Mr. Schneidewind stated that was the stipulation on each of these cases. The applicant will have to re-apply for each application as a new applicant.

The applicant will contact Ms. Markezich regarding the application process.

**MOTION** to adjourn by Heberer, second by Meister. Motion carried.