

St. Clair County Zoning Board of Appeals Meeting Minutes
Tuesday, July 12, 2022 at 6:00 P.M.

Members Present: Chairman Scott Penny, George Meister, Steven Howell, Kent Heberer, & Steve Lindauer

Members Absent: Marcy Deitz & Alexa Edwards

Zoning Staff in Attendance: Anne Markezich, Zoning Director; and Emily O'Connor, Zoning Board of Appeals Attorney

A. Call to Order

Chairman Scott Penny called the meeting to order at 6:00 p.m. and conducted roll call.

B. Explanation of Zoning Hearing Procedures

Chairman Penny explained the hearing procedures to meeting attendees.

C. Public Comment

There were no persons present for public comment.

D. New Business

1. **Hearing 2022-12-ABV** – Schaefer Family TR (Tom Schaefer), 142 Burma Road, Belleville, Illinois, owners of record and applicants, requesting an Area/Bulk Variance to allow the construction of a ground-mount solar energy system 3.9 ft. from the side property line instead of the 10 ft. required in a "SR-3" Single-Family Residence Zone District, on property known as 2045 Park Road, Belleville, Illinois, St. Clair Township, County Board District #26, PIN#08-33.0-401-026. Applicant, Tom Schaefer appeared and presented the case to the board. County Board Member, Scott Tieman testified in support of the application. There were no other persons present to testify for or against the application. After considering all the testimony and evidence, a motion was made by G. Meister and seconded by K. Heberer to grant the request. Roll call vote. All Ayes. Motion passes. (See attached Decision Report.)
2. **Hearing 2022-11-SP** – Petition of Stanley P. Kostelac TR of the Daniel B. Kostelac Revocable TR & Stanley P. Kostelac, Trustee of the Stanley P. Kostelac Revocable TR, 9035 State Rte. 163, Millstadt, Illinois, owner of record and Ace Agri Products, Inc. / Ace Transportation, Inc., 9035 State Rte. 163, Millstadt, Illinois, applicant requesting a Special Use Permit to modify/amend an existing Planned Building Development that was previously granted pursuant to Section 40-9-3(H)(3), in that Applicant desires to expand/modify the site plan submitted in Case 2014-15-SP to allow the expansion of an existing grease recycling business in an "A" Agricultural Industry Zone District, on property known as 9035 State Rte. 163, Millstadt, Illinois in Centreville Township, County Board District #24, PIN#07-09.0-300-012. Applicant's Attorney, Phil Speicher appeared and presented the case to the board. County Board Member, Marty Crawford testified in support of the application. There were no other persons present to

testify for or against the application. After considering all the testimony and evidence, a motion was made by G. Meister and seconded by S. Lindauer to grant the request. Roll call vote. All Ayes. Motion passes. (See attached Advisory Report.)

3. **Hearing 2022-03-ZA** – Petition of Bruce Moore & Mark Moore, 4401 Hwy 162, Granite City, Illinois, owners of record and Bruce Moore, 4401 Hwy 162, Granite City, Illinois, applicants, requesting a Zoning Amendment to change the zone district classification of a certain tract of land from "A" Agricultural Industry Zone District to "HB" Highway Business Zone District on property known XXXX Old State rte. 158, Belleville, Illinois, Illinois in Shiloh Valley Township, County Board District #19, PIN#09-22.0-300-010. Applicant, Bruce Moore presented the case to the board. County Board Member Jana Moll testified she is concerned with conserving prime farm ground and flooding issues on the property. Ms. Moll stated she does not support the application. There were several members of the public in attendance. Jody Renner, a resident of the area, opposes the application, and collected 33 signatures of area property owners/residents that oppose the request. After considering all the testimony and evidence, a motion was made by K. Heberer, seconded by S. Lindauer to deny the request. Roll call vote. All Ayes. Motion passes. (See attached Advisory Report.)

E. Adjournment

George Meister made a motion to adjourn the meeting. Seconded by Steven Howell. Roll call vote. Motion approved.

Meeting adjourned.



St. Clair County Zoning Board of Appeals' DECISION IN 2022-12-ABV

DECISION

Application By: Schaefer Family Trust (Tom Schaefer), 142 Burma Road, Belleville, IL **Case #:** 2022-12-ABV
Owner: Same as above.

Application Filed: 05/27/22

Publication Date: 06/15/2022

Hearing Date & Time: 07/12/2022 @
6:00 p.m.

Request: An Area/Bulk Variance ("ABV") to allow the construction of a ground-mount solar energy system 3.9 ft. from the side property line instead of the 10 ft. required in a "SR-3" Single-family Residence Zone District, on property commonly known as 2045 Park Road, Belleville, St. Clair Township, Illinois PPN: 08-33.0-401-026.

Zoning Board of Appeals Members Present: S. Penny, G. Meister, K. Heberer, S. Lindauer & S. Howell
County Board Members Present at Hearing: S. Tieman

Testimony: Applicant Tom Schaefer presented the application. He stated that solar panels were installed by the contractor 5 ft. 8 in. to 6 ft. 4 in. from the property line. The contractor thought the property in question was in the City of Belleville and went to the City to apply for the proper permits. The City's computer system was down when the contractor presented to City Hall; however, the City advised the contractor that they could start work and that the City would issue the permit later. The Applicant did not know that the City had not issued the permit for the project. Applicant stated that signs have been installed to explain the connection points in case of a fire.

Applicant understands that he will need to consolidate parts of parcels 08-33.0-401-016 and 08-33.0-401-026 with parcel 08-33.0-401-025 (Applicant's residence) as the solar panels are connected to the residence located upon parcel 025. Applicant also indicated that he plans to tear down a small house on parcel 016 at some point in the future. The consolidations shall leave the remaining parcels (016 & 026) conforming with the requirements of the SR-3 Zoning District.

County Board Member S. Tieman testified in support of the Application.

Neighboring property owner Keith Sturgis sold applicant 25 ft. for driveway access, and states he is a good neighbor and has no issues with the ABV.

No other persons appeared to testify for or against the application.

Witnesses having been sworn, testimony and evidence presented, and the Zoning Board of Appeals being fully advised in the premises, and the Board having considered the following in conjunction therewith, and found:

The Applicant is seeking a setback variance difference of 4 ft. 4 in. to 3 ft. 8 in. (panels are currently at 5 ft. 8 in. & 6 ft. 4 in.) for solar panels that are part of the Applicant's personal solar energy system. The Applicant is willing to consolidate certain portions of the various parcels so the solar panels are located on the same parcel that are serviced by the panels, and remaining divisions will conform to the requirements of an SR-3 Zoning District. The neighboring property owner has no objections to the ABV.

Granting the ABV will not increase hazards from fire or other dangers to the subject property or adjacent property. The value of adjacent properties will not diminish as a result of the ABV. The ABV will not increase traffic congestion or otherwise impair the public's health, safety, comfort, morals or general welfare. This variance will neither increase the

potential for flood damage nor will it require additional public expense for flood protection, rescue or relief. Strict application of the regulations to the subject property would result in undue practical difficulty or unnecessary hardship in making reasonable use of the parcels given the current circumstances surrounding the location of the solar panels, and such request is the minimal change requested. The ABV will not negatively impact those persons or property in the general vicinity of the subject property.

A motion was made by G. Meister to *GRANT* the request; K. Heberer seconded the motion. The members of the Board voted as follows: S. Penny-Yes, G. Meister-Yes, K. Heberer-Yes, S. Howell-Yes, and S. Lindauer-Yes. The motion carried 5 to 0.



Anne Markezich
Secretary, St. Clair County Zoning Board of Appeals

07/19/2022
Date



St. Clair County Zoning Board of Appeals' ADVISORY REPORT TO THE ST. CLAIR COUNTY BOARD

ADVISORY REPORT Case # 2022-11-SP

Application By: Ace Agri-Products, Inc. & Ace Transportation, Inc., 9035 State Rte. 163, Millstadt, IL

Owner: Stanley P. Kostelac TR of the Daniel B. Kostelac Revocable TR & Stanley P. Kostelac, Trustee of the Stanley P. Kostelac Revocable TR, 9035 State Rte. 163, Millstadt, IL.

Application Filed: 05/17/2022

Publication Date: 06/15/2022

Hearing Date & Time: 07/12/2022 @
6:15 p.m.

Request: A Special Use Permit to modify/amend an existing Planned Building Development that was previously granted pursuant to Section 40-9-3(H)(3), in that Applicant desires to expand/modify the site plan submitted in Case 2014-15-SP to allow the expansion of an existing grease recycling business in an "A" Agricultural Industry Zone District, on property commonly known as 9035 State Rte. 163, Millstadt, Centreville Township, Illinois (PPN: 07-09.0-300-012).

Zoning Board of Appeals Members Present: S. Penny, G. Meister, K. Heberer, S. Lindauer & S. Howell

County Board Members Present at Hearing: M. Crawford

Testimony:

Applicant was represented by attorney Phillip Speicher. Attorney Speicher explained that the applicant desires to construction two additional buildings/structures onto currently existing structures located on the property. The Applicant desires to construct a steel building approximately 115 ft. x 43 ft. in size for a truck garage. The truck garage would be attached to the existing building that is closest to State Rt. 163. The truck garage is needed to house and repair the Applicants fleet of trucks. The second addition is a 26 ft. x 40 ft. steel building/structure that will serve as boiler building for the installation of a second boiler unit. The second boiler unit is needed in order to maintain optimal operation of the recycling plant facility. This building/structure will be an addition to those buildings towards the rear of the property in question.

The additions will have no impact on public utilities. The property in question has a LESA score of 176, which is low for agricultural retention; moreover, the property has not been used for row crop agricultural purposes in decades (if ever).

County Board Member Marty Crawford testified that he supports the application/project.

There were no other persons present at the hearing to provide testimony for or against this Special Use application.

Witnesses having been sworn, testimony and evidence presented, and the Zoning Board of Appeals being fully advised in the premises, and the Board having considered the following in conjunction therewith, and found:

- (1) ***Whether the proposed design, location, development and operation of the proposed Special Use will adequately protect the public health, safety, and welfare and the physical environment. The Board found as follows: That the proposed additions to the currently operating and approved business and modification of the current Special Use Permit (2014-15-SP) given the site plan submitted, use of subject property, and testimony and explanation of the additions, adequately protects the public's health, safety, and welfare and the physical environment.***

- (2) *Whether the proposed Special Use is consistent with the County's comprehensive plan. The Board found as follows: While the Comprehensive Plan calls for agricultural, this property has historically been utilized for commercial purposes—a rendering and grease facility. Further, the property is not suited for typical agricultural row crops and has a low LESA score of 176.*
- (3) *The effect the proposed Special Use may have on the value of the neighboring property and on the County's overall tax base. The Board found as follows: The proposed modification of the previously issued Special Use Permit would not have a negative impact on the value of neighboring property given current uses and zoning in the area and would positively impact the County's overall tax base.*
- (4) *The availability and the effect the proposed Special Use would have on the public utilities and on traffic circulation on nearby streets. The Board found as follows: There will be minimal effect on traffic circulation, and there will be no negative effect on public utilities.*
- (5) *Whether there are any facilities near the proposed Special Use (such as schools or hospitals) that require special consideration. The Board found as follows: There are no hospitals, schools or any other use in close proximity to the subject property/special use that requires special consideration.*
- (6) *Whether the proposed Special Use is compatible to adjacent uses and uses in the general vicinity. The Board found as follows: The application is a modification of a currently approved Special Use. The proposed modifications/additions of structures are compatible to adjacent uses and uses in the general vicinity.*
- (7) *The time period for which the Special Use Permit should be granted or any special requirements for certification of continued compliance with the terms of approval. The Board found as follows: This application is for modification of a currently existing Special Use (2014-15-SP), and such will comply with and be subject to any and all special requirements or conditions placed upon the previously granted Special Use Permit (2014-15-SP).*

A motion was made by G. Meister to **GRANT** the request with the above conditions/limitations/requirements. The motion was seconded by S. Lindauer. The members of the Board voted as follows: S. Penny-Yes, G. Meister-Yes, S. Howell-Yes, S. Lindauer-Yes, and K. Heberer-Yes. The motion carried 5 to 0.

IT IS THEREFORE THE RECOMMENDATION OF THE ST. CLAIR COUNTY ZONING BOARD OF APPEALS THAT THE REQUESTED SPECIAL USE PERMIT BE GRANTED, FOR THE AFOREMENTIONED REASONS AND WITH THE AFOREMENTIONED CONDITIONS/LIMITATIONS/REQUIREMENTS, BY A MAJORITY OF ALL MEMBERS PRESENT.



Anne Markezich
Secretary, St. Clair County Zoning Board of Appeals

07/19/2022
Date



St. Clair County Zoning Board of Appeals' ADVISORY REPORT TO THE ST. CLAIR COUNTY BOARD

ADVISORY REPORT

Application By: Bruce Moore, 4401 Hwy. 162, Granite City, IL

Case #: 2022-03-ZA

Owner: Bruce Moore & Mark Moore, 4401 Hwy. 162, Granite City, IL.

Application Filed: 05/27/2022

Publication Date: 06/16/2022

Hearing Date & Time: 07/12/22
@ 6:30 p.m.

Request: A request for a Zoning Amendment to change the zoning district classification of certain tract of land from "A" Agricultural Industry Zone District to "HB" Highway Business Zone District on property commonly known as XXXX Old State Rte. 158, Belleville, Shiloh Valley Township, Illinois (PPN: 09-22.0-300-010).

Zoning Board of Appeals Members Present: S. Penny, G. Meister, K. Heberer, S. Lindauer, & S. Howell

County Board Members Present at Hearing: Jana Moll

Other Comments: *[list general comments from the public for or against the proposal or any other relevant matter]*

Applicant, Bruce Moore presented the case. He advised that he desires to change the zoning on the parcel in question because he wants to erect a mini-storage facility on the property. The parcel in question is 10 acres in size. He plans to develop the facility in three (3) phases. Further, he stated that he would make the facility look nice and he would get an engineer involved to address any flooding issues.

The LESA rating for the parcel in question is 220, which is high and in support of agricultural retention. The parcel is currently being used for agricultural purposes—row crops.

There were several members of the public in attendance. Jody Renner, a resident of the area, opposes the application, and had collected 33 signatures of area property owners/residents that oppose the request. She stated prime farm ground needs to be protected, and there are major flooding issues in this area, and the construction of such a facility could increase flooding. Farm fields in the area have been tiled and adequate drainage is needed. Also, increase traffic is a concern. Tom Renner also provided testimony in opposition to the application, specifically, flooding issues.

County Board Member Jana Moll is concerned with conserving prime farm ground and flooding issues. She does not support the application.

Witnesses having been sworn, testimony and evidence presented, and the Zoning Board of Appeals being fully advised in the premises, and the Board having considered the following in conjunction therewith, and found:

- (1) The current use of the property in question is as farmland—agricultural purposes. Its current use is in harmony with current zoning and adjacent uses.
- (2) The existing uses and zoning of other parcels in the vicinity are agricultural uses and the zoning is "A" Agricultural Industry Zone District.
- (3) The subject property is suitable for the existing zoning classification, is being used for agricultural purposes and has similar agricultural uses in all directions.

- (4) The subject property is not suitable for the proposed use of a mini-storage facility or other uses in an "HB" zoning district. All nearby and adjacent uses are of an agricultural nature found in an "A" zoning district.
- (5) There is no trend of commercial or business development in the vicinity of the property in question.
- (6) A rezoning to "HB" Highway Business would not be in compliance or in harmony with the County's Comprehensive Plan, which calls for an agricultural zoning classification. Also, a rezoning would be spot zoning.
- (7) The LESA rating for the property in question is 220, which is high for agricultural retention, and does not support a zoning change.

Based upon the above testimony and facts, the Zoning Board of Appeals recommends DENIAL of this request.

A motion was made by K. Heberer to *DENY* the request; the motion was seconded by S. Lindauer. The members of the Board voted as follows: S. Penny-Yes, G. Meister-Yes, S. Howell-Yes, K. Heberer-Yes, and S. Lindauer-Yes. The motion carried 5 to 0.

IT IS THEREFORE THE RECOMMENDATION OF THE ST. CLAIR COUNTY ZONING BOARD OF APPEALS THAT THE REQUESTED REZONING BE *DENIED*, FOR THE AFOREMENTIONED REASONS BY A MAJORITY OF ALL MEMBERS PRESENT.



Anne Markezich
Secretary, St. Clair County Zoning Board of Appeals

07/19/2022
Date