

St. Clair County Zoning Board of Appeals Meeting Minutes
Tuesday, March 1, 2022 at 6:00 P.M.

Members Present: Chairman Scott Penny, George Meister, Alexa Edwards, Marcy Deitz & Steve Lindauer

Members Absent: Steven Howell & Kent Heberer

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. Approval of Minutes

1. Chairman Scott Penny asked for a motion to approve the meeting minutes from February 1, 2022. George Meister made a motion to approve. Seconded by Kent Heberer. Motion approved.

D. Public Comment

There were no persons present for public comment.

E. New Business

1. **Hearing 2022-01-ABV** – Petition of David & Irene Biver, owners of record and applicants, requesting an Area/Bulk Variance to allow the division of 37.25-acres creating one 7.94 +/- tract and one 29.31 +/- acre tract instead of the 40-acres required in an "A" Agricultural Industry Zone District, on property known as XXXX State Rte 15, Freeburg, Illinois, in Freeburg Township, County Board District #21, PIN#14-35.0-400-009. David Biver appeared and presented the case to the board. County Board Member, Andy Bittle testified in support of the application. No other persons appeared to testify for or against the application. After considering all the testimony and evidence, a motion was made by George Meister and seconded by Steve Lindauer to **approve** the request. Roll call vote. All Ayes. Motion passes. (See attached Decision Report.)
2. **Hearing 2022-02-ABV** – Petition of Larry Eitzenhefer & Elaine Byrd, Co-Trustees to the Estate of Clyde & Elsie Eitzenhefer, 6525 Douglas Road, Freeburg, Illinois, owners of record and applicants, requesting an Area/Bulk Variance to allow the division of three tracts of ground, a 40.13-acre tract, a 20.08-acre tract, and a 48.57-acre tract into four tracts: tract 1 – 45 acres; tract 2- 37-acres; tract 3- 15-acres; and tract 4 – 12-acres instead of the 40-acres required in an "A" Agricultural Industry Zone District, on property known as XXXX & 6525 Douglas Road, Freeburg, Illinois in Smithton Township, County Board District #21, PIN#13-23.0-300-001, 002 & 020. Applicant, Elaine Byrd appeared and presented the case to the board. County Board

Member, Andy Bittle testified in support of the application. No other persons appeared to testify for or against the application. After considering all the testimony and evidence, a motion was made by Steve Lindauer and seconded by Marcy Deitz to approve the request. Roll call vote. All Ayes. Motion passes. (See attached Decision Report.)

3. **Hearing 2022-03-ABV** – Petition of Robin McCoy, 406 Bethel Meadows Road, Caseyville, Illinois, owner of record and applicant, requesting an Area/Bulk Variance to allow the construction of a 24' x 50' (1,350 square foot) accessory structure instead of the 900 square feet allowed and to allow the accessory structure 20 ft. from the front property line instead of the 60 ft. required in a "SR-3" Single-Family Residence Zone District, on property known 406 Bethel Meadows, Caseyville, Illinois in Caseyville Township, County Board District #29, PIN#03-02.0-100-060. Robin McCoy appeared and presented the case to the board. No persons appeared to testify for or against the application. After considering all the testimony and evidence, a motion was made by George Meister and seconded by Steve Lindauer to approve the request. Roll call vote. All Ayes. Motion passes. (See attached Decision Report.)
4. **Hearing 2022-01-SP** – Petition of MRE Portfolio One LLC, 6538 W Dakin Street, Chicago, Illinois, owners of record and 821 Belleville LLC, 20 Len Drive, Highland, Illinois, applicants, requesting a Special Use Permit to allow the sale of liquor and/or alcoholic beverages by the drink in a "B-2" General Business Zone District, on property known as 821 S. Belt West, Belleville, Illinois in St. Clair Township, County Board District #26, PIN#08-28.0-146-003. Applicant's Attorney Brian Flynn presented the application. John Coers, Risk Management for the Diocese of Belleville, appeared and spoke against the application on behalf of the Diocese of Belleville. After considering all the testimony and evidence, a motion was made by Alexa Edwards and seconded by Marcy Deitz to approve the request. Roll call vote. All Ayes. Motion passes. (See attached Advisory Report.)

F. Old Business

5. **Hearing 2018-30-SP** – Petition of Rehkemper Partnership TR, 9927 Canterleigh Drive, St. Louis, Missouri, owner of record and Nextera Energy on behalf of DG Illinois Solar, LLC to extend the Special Use Permit previously granted by the St. Clair County Board on January 28, 2019, and further extended by the Zoning Board on May 3, 2021, to one year from January 28, 2021, to allow two 2-megawatt Solar Farm Energy Systems in an "A" Agricultural Industry Zone District, on property known as 1217 Green Mount Lane, Belleville, Illinois in St. Clair Township, County Board District #26, PIN#08-35.0-200-002. Discussion was had by the Zoning Board of Appeals on the matter. The Zoning Administrative Staff advised that the proposed development and site plan remain substantially the same as that initially proposed and approved, and no construction has been commenced. After considering all the testimony and evidence, a motion was made by Steve Lindauer and seconded by Alexa Edwards to approve the request for one year from January 28, 2022. Roll call vote. All Ayes. Motion passes. (See attached Decision Report.)

6. **Hearing 2018-31-SP** – Petition of Rehkemer Partnership TR, 9927 Canterleigh Drive, St. Louis, Missouri, owner of record and Nextera Energy on behalf of DG Illinois Solar, LLC to extend the Special Use Permit previously granted by the St. Clair County Board on April 29, 2019, and previously extended by the Zoning Board on May 3, 2021, to one year from April 29, 2021, to allow two 2-megawatt Solar Farm Energy Systems in an "A" Agricultural Industry Zone District, on property known as XXXX Concordia Church Road, Belleville, Illinois in St. Clair Township, County Board District #26, PIN#08-31.0-200-009. Discussion was had by the Zoning Board of Appeals members on the matter. The Zoning Administrative Staff advised that the proposed development and site plan remain substantially the same as the initially proposed and approved, and no construction has commenced. After considering all the testimony and evidence, a motion was made by Steven Lindauer and seconded by Alexa Edwards to **approve** the request for one year from April 29, 2022. Roll call vote. All Ayes. Motion passes. (See attached Decision Report.)

G. Adjournment

Marcy Deitz made a motion to adjourn the meeting. Seconded by Alexa Edwards. Roll call vote. Motion approved.

Meeting adjourned.



St. Clair County Zoning Board of Appeals' DECISION IN 2022-01-ABV

DECISION

Application By: David & Irene Biver, 8949 Karch Road, Freeburg, IL (owner/applicant)

Case #: 2022-01-ABV

Application Filed: 01/12/22

Publication Date: 02/03/2022

Hearing Date & Time: 03/01/2022
@ 6:00 p.m.

Request: An Area/Bulk variance ("ABV") to allow the division of a 37.25-acre tract creating a 7.94 +/- acre tract and a 29.31 +/- acre tract instead of the 40-acres required in an Agricultural Industry Zoned District, on property commonly known as XXXX State Route 15, Freeburg, Freeburg Township, Illinois PPN: 14-35.0-400-009.

Zoning Board of Appeals Members Present: S. Penny, G. Meister, A. Edwards, M. Deitz, & S. Lindauer
County Board Members Present at Hearing: A. Bittle

Testimony: Applicant David Biver presented the application. The ground in question is bisected into two parcels by State Route 15. On the north side of State Route 15 lies a 29.31 +/- acre tract and on the south side of State Route 15 lies a 7.94 +/- acre tract. The Applicant's son wants to buy the land and they would like to be able to build upon each tract. Each tract has an appropriate amount of frontage on State Route 15.

Neighboring property owner Barb Lauzon asked some questions of the Applicant but otherwise stated that she had no objection.

County Board Member A. Bittle testified in support of the application.

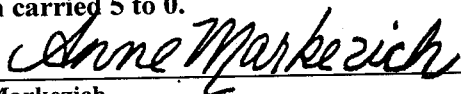
No other persons appeared to testify for or against the application.

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 division of "A" Agricultural land that is less than the minimum requirement of 40 acres. The division of the parcel into two tracts of 7.94 +/- acres and 29.31 +/- acres will not negatively impact the area as the property is currently divided into two separate tracts by State Route 15, and there exists similar divisions of parcels in close proximity to the parcel in question.

Granting the ABV will not increase hazards from fire or other dangers to the subject properties. 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. The division will not negatively impact those persons or property in the general vicinity of the subject properties. This division will not increase the potential for flood damage, nor will it require additional public expense for flood protection, rescue, or relief.

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



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

03/07/2022
Date



St. Clair County Zoning Board of Appeals' DECISION IN 2022-02-ABV

DECISION

Case# 2022-02-ABV

Application By: Larry Eitzenhefer, 3 N. West St., Freeburg, IL & Elaine Byrd, 6521 Douglas Rd., Freeburg, IL

Owner: Larry Eitzenhefer & Elaine Byrd, Co-Trustees to the Estate of Clyde & Elsie Eitzenhefer, 6525 Douglas Rd., Freeburg, IL

Application Filed: 01/28/22

Publication Date: 02/10/2022

Hearing Date & Time: 03/01/2022@
6:15 p.m.

Request: An Area/Bulk variance ("ABV") to allow the division of three tracts of ground, a 40.13-acre tract, a 20.08-acre tract, and a 48.57-acre tract into four tracts: tract 1 – 45 acres; tract 2 – 37 acres; tract 3 -15 acres; and tract 4 – 12 acres instead of the 40-acres required in an Agricultural Industry Zoned District, on property commonly known as XXXX & 6525 Douglas Rd., Freeburg, Smithton Township, Illinois PPN: 13-23.0-300-001, 002 & 020.

Zoning Board of Appeals Members Present: S. Penny, G. Meister, A. Edwards, M. Deitz, & S. Lindauer
County Board Members Present at Hearing: A. Bittle

Testimony: Applicant Elaine Byrd presented the application. The Applicants are desiring to divide the Estate's ground between themselves as their mother is now deceased. They are just desiring to move the property lines of the currently existing three tracts to make 4 tracts of ground, however, the proposed 45-acre tract will be owned by Larry Eitzenhefer and he will combine the proposed tract with his currently existing tract of 13.17-acres (PPN: 13-23.0-300-017). The proposed tracts of 15-acres and 12-acres contain existing farm buildings/structures and the Applicant represented that all divisions will incorporate appropriate setbacks for said existing buildings/structures from the property lines. Further, the 37-acre tract, 15-acre tract and 12-acre tract will have frontage on Douglas Road as depicted in the Applicant's diagram presented with their application.

County Board Member A. Bittle testified in support of the application.

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 division of "A" Agricultural land that is less than the minimum requirement of 40 acres. The division of three currently existing parcels (40.13 acres, 20.08 acres, & 48.57 acres) into four tracts of 45-acres, 37-acres, 15-acres, and 12-acres (with the 45-acre tract being merged with an existing parcel of 13.17 acres) will not negatively impact the area. Further, there are similar smaller tracts (i.e., 18.4 and 9.8 acres) in the general area.

Granting the ABV will not increase hazards from fire or other dangers to the subject properties. 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. The division will not negatively impact those persons or property in the general vicinity of the subject properties. This division will not increase the potential for flood damage, nor will it require additional public expense for flood protection, rescue, or relief. The 37-acre tract, 15-acre tract and 12-acre tract will have that frontage as depicted on Applicant's diagram submitted with their application, and the 45-acre tract will be merged with existing tract 13-23.0-300-017.

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



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

03/08/2022

Date



St. Clair County Zoning Board of Appeals' DECISION IN 2022-03-ABV

DECISION

Application By: Robin McCoy, 406 Bethel Meadows Rd., Caseyville, IL (owner/applicant)

Case #: 2022-03-ABV

Application Filed: 02/04/22

Publication Date: 02/13/2022

Hearing Date & Time: 03/01/2022
@6:30 p.m.

Request: An Area/Bulk variance ("ABV") to allow the construction of a 24 ft. x 50 ft. (1,350 sq. ft.) accessory structure instead of the 900 sq. ft. allowed and to allow the accessory structure 20 ft. from the front property line instead of the 60 ft. required in an SR-3, Single-family Residence Zone District, on property commonly known as 406 Bethel Meadows Rd., Caseyville, Caseyville Township, Illinois PPN: 03-02.0-100-060.

Zoning Board of Appeals Members Present: S. Penny, G. Meister, A. Edwards, M. Deitz, & S. Lindauer
County Board Members Present at Hearing: None.

Testimony: Applicant Robin McCoy presented the application. The property is her residence and she has constructed an inground pool and is desiring additional storage in the form of garage that would also be utilized for a pool house. Part of the proposed garage will consist of just a covering or porch that will be used as the pool house, and the remainder of the structure will be used for garage purposes. The front of the garage will be in line with or set a few feet back than the front of her existing residence. Since the proposed accessory structure is over 900 sq. ft., she is seeking a size variance of 450 sq. ft., as well as a front set back variance of 40 ft. for the construction of the accessory structure.

No 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 an ABV to allow the construction of an accessory structure greater than 900 sq. ft. in an SR-3 zoned district. She is specifically seeking a variance to allow the construction of an accessory structure that is 1,350 sq. ft. (a variance of 450 sq. ft.), and she also seeks a variance to construct the accessory structure 20 ft. from the front property line vs. the 60 ft. required (a variance of 40 ft.). There exist similar accessory structures in the vicinity of the subject parcel, and the road that the Applicant lives on is a dead-end road that other family members/relatives live on.

Granting the ABVs will not increase hazards from fire or other dangers to the subject properties. The value of adjacent properties will not diminish as a result of the ABVs. The ABVs will not increase traffic congestion or otherwise impair the public's health, safety, comfort, morals, or general welfare. The ABVs will not negatively impact those persons or property in the general vicinity of the subject property. The construction of an accessory structure 450 sq. ft. over the 900 sq. ft. maximum will not increase the potential for flood damage, nor will it require additional public expense for flood protection, rescue, or relief.

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


Anne Markevich

Secretary, St. Clair County Zoning Board of Appeals

03/07/2022
Date



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

ADVISORY REPORT

Application By: 821 Belleville, LLC, 20 Len Drive, Highland, IL
Owner: MRE Portfolio One LLC, 6538 W. Dakin Street, Chicago, IL

Case #: 2022-01-SP

Application Filed: 02/07/2022

Publication Date: 02/08/2022

Hearing Date & Time: 03/01/2022
6:45 p.m.

Request: A Special Use Permit to allow a business establishment licensed to sell liquor and/or alcoholic beverages by the drink in a B-2 zoning district, upon property commonly known as 821 S. Belt West, Belleville, St. Clair Township, Illinois (PPN: 08-28.0-146-003).

Zoning Board of Appeals Members Present: S. Penny, M. Deitz, G. Meister, A. Edwards, & S. Lindauer

County Board Members Present at Hearing: None

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

Applicant's Attorney Brian Flynn presented the application. Appearing with Mr. Flynn was a member of 821 Belleville, LLC, Jeff Rehberger. Mr. Rehberger's son's company MRE Portfolio One LLC is the owner of the property in question. Mr. Flynn stated that this property is a strip center with other business ventures currently operating, including a currently operating gaming parlor. Mr. Flynn stated that the Applicant is applying for the SUP to sell liquor and/or alcoholic beverages by the drink in order to open a second gaming parlor in the strip center. The Applicant plans to rent a 900 sq. ft. unit at 821 S. Belt West. The Applicant will operate a gaming parlor with 6 gaming terminals, hours of operation--9:00 a.m. to 1:00 a.m., 7 days a week, but hours will be dictated by the liquor license. The Applicant will employ 6-7 employees covering 21 weekly shifts. While there is no per se drink limit all employees will have Illinois training and will watch for overserved patrons. As for alcohol the Applicant will only serve can beer and wine, no hard liquor. While Applicant does not have any locations currently in St. Clair County, Illinois he has other gaming parlor locations in the Highland area. The building has approximately 50 parking spaces available, but such are shared with other businesses.

John Coers, Risk Management (Facilities & Insurance) for the Diocese of Belleville, appeared and spoke against the Application on behalf of the Diocese of Belleville. Mr. Coers stated that the Bishop's residence adjoins the strip center and the proposal would generate noise and because of the late hours would lead to disruptions in the area. Mr. Coers was asked why the Diocese did not object to the prior application for a similar request in 2018, which Mr. Coers responded that he was not aware of the previous application and he has just recently taken this current position with the Diocese.

It was discussed by the Zoning Board and the Applicant that the likely source of any noise was the neighboring large gas station (across Centreville Ave.) that operates 24/7. Zoning Administrative Staff noted that the Zoning Department has not received any complaints with the currently operating gaming parlor located in the strip center in question.

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: The allowing of liquor and/or alcohol to be sold and served by the drink in conjunction with the placement of a video gaming parlor into an existing strip center, which is underutilized, will not negatively affect the public's health, safety, and welfare.*
- (2) *Whether the proposed Special Use is consistent with the County's comprehensive plan. The Board found as follows: While the County's Comprehensive Plan calls for Residential the subject property and neighboring properties on the same side of South Belt West, across South Belt West, and across Centreville Avenue are largely used for business purposes and are zoned B-2.*
- (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 Special Use will not adversely affect the value of the neighboring property as property in the general vicinity of this parcel are used for business purposes, such as a used car lot, self-storage, 24/7 convenient store, swimming pool sales, and other various commercial businesses. Thus, it is not anticipated that by allowing liquor and/or alcohol to be sold by the drink in conjunction with the placement of a gaming parlor in this existing strip center will have a negative effect on 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 no effect on public utilities or traffic circulation.*
- (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 facilities such as schools or hospitals in close proximity to the proposed Special Use that require special consideration. However, a representative of the Diocese of Belleville objected to the application because the Bishop's residence abuts the strip center to the north-east and the proposal will allegedly generate noise. The Diocese has not complained of noise from any of the existing tenants of the strip center, which includes a currently operating video gaming parlor. Further, it was discussed that any noise generated was likely coming from the nearby large 24/7 gas station/convenient store.*
- (6) *Whether the proposed Special Use is compatible to adjacent uses and uses in the general vicinity. The Board found as follows: The Special Use is 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: The special use permit is to this Applicant only, and so long as the Applicant operates the facility as a video gaming parlor.*

A motion was made by A. Edwards to **GRANT** the request with the aforementioned conditions, the motion was seconded by M. Deitz. The members of the Board voted as follows: S. Penny-Yes, M. Deitz-Yes, G. Meister-Yes, A. Edwards-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 SPECIAL USE PERMIT BE GRANTED FOR THE AFOREMENTIONED REASONS BY A MAJORITY OF ALL MEMBERS PRESENT, WITH THE CONDITIONS THAT THE SPECIAL USE PERMIT IS TO THIS APPLICANT ONLY, AND SO LONG AS THE APPLICANT OPERATES THE FACILITY AS A VIDEO GAMING PARLOR.


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

03/08/2022
 Date



St. Clair County Zoning Board of Appeals' DECISION IN 2018-30-SP

DECISION

Request By: Nextera Energy Resources, LLC

Case #: 2018-30-SP

Request Filed: 01/27/2022

Hearing Date & Time: 03/01/2022 at 7:00 P.M.

Request: A request to extend the Special Use Permit previously granted by the St. Clair County Board on January 28, 2019, and further extended by the Zoning Board on May 3, 2021, to one year from January 28, 2021, to allow two 2-megawatt Solar Farm Energy System in an "A" Agricultural Industry Zone District on property known as 1217 Green Mount Lane, Belleville, IL (PPN: 08-35.0-200-002)

Zoning Board of Appeals Members Present: S. Penny, A. Edwards, M. Deitz, G. Meister, & S. Lindauer

County Board Members Present at Hearing: None

Discussion:

This was a request by the Applicant pursuant to 40-11-41 to extend the previously granted and previously extended Special Use Permit in 2018-30-SP for an additional one (1) year extension, as no building permit has been obtained and no construction has been commenced.

Previously, on January 7, 2019, the Zoning Board of Appeals granted this special use with certain conditions and restrictions, and such was subsequently approved by the St. Clair County Board on January 28, 2019. Further, the Applicant previously sought an initial extension which was granted on May 5, 2021, which extended the Special Use Permit for an additional one year to January 28, 2022. A building permit has not been obtained to date and no construction has commenced, and a timely request for an additional extension was received.

A special use permit that is set to expire after two (2) years because no building permit has been obtained and no construction was commenced may be extended by the Zoning Board of Appeals. The Zoning Board of Appeals may grant extensions not exceeding one (1) year each upon the written request of the special use applicant if the proposed development and site plan remain substantially the same as that proposed in the initially approved site plan. See 40-11-41.

Discussion was had by the Zoning Board of Appeals members on the matter. The Zoning Administrative Staff advised that the proposed development and site plan remain substantially the same as that initially proposed and approved, and no construction has been commenced.

A motion was made by S. Lindauer to **GRANT** the request and extend the Special Use Permit for one (1) year from January 28, 2022. The motion was seconded by A. Edwards. The members of the Board voted as follows: S. Penny-Yes, A. Edwards-Yes, M. Deitz-Yes, G. Meister-Yes, and S. Lindauer-Yes. The motion carried 5 to 0. The Special Use Permit in the above matter is hereby extended for one (1) year from January 28, 2022.


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

03/08/2022
Date



St. Clair County Zoning Board of Appeals' DECISION IN 2018-31-SP

DECISION

Request By: Nextera Energy Resources, LLC

Case #: 2018-31-SP

Request Filed: 01/27/2022

Hearing Date & Time: 03/01/2022 at 7:15 p.m.

Request: A request to extend the Special Use Permit previously granted by the St. Clair County Board on April 29, 2019, and previously extended by the Zoning Board on May 3, 2021, to one year from April 29, 2021, to allow two 2-megawatt Solar Farm Energy System in an "A" Agricultural Industry Zone District on property known as XXXX Concordia Church Road, Belleville, IL (PPN: 08-31.0-200-009)

Zoning Board of Appeals Members Present: S. Penny, A. Edwards, M. Deitz, G. Meister, & S. Lindauer

County Board Members Present at Hearing: None

Discussion:

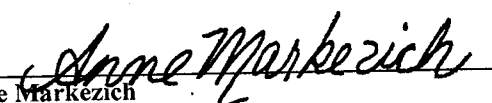
This was a request by the Applicant pursuant to 40-11-41 to extend the previously granted and previously extended Special Use Permit in 2018-31-SP for an additional one (1) year extension, as no building permit has been obtained and no construction has been commenced.

Previously, on April 8, 2019, the Zoning Board of Appeals granted this special use with certain conditions and restrictions, and such was subsequently approved by the St. Clair County Board on April 29, 2019. Further, the Applicant previously sought an initial extension which was granted on May 5, 2021, which extended the Special Use Permit for an additional one year to April 29, 2022. A building permit has not been obtained to date and no construction has commenced, and a timely request for an additional extension was received.

A special use permit that is set to expire after two (2) years because no building permit has been obtained and no construction was commenced may be extended by the Zoning Board of Appeals. The Zoning Board of Appeals may grant extensions not exceeding one (1) year each upon the written request of the special use applicant if the proposed development and site plan remain substantially the same as that proposed in the initially approved site plan. See 40-11-41.

Discussion was had by the Zoning Board of Appeals members on the matter. The Zoning Administrative Staff advised that the proposed development and site plan remain substantially the same as that initially proposed and approved, and no construction has been commenced.

A motion was made by S. Lindauer to **GRANT** the request and extend the Special Use Permit for one (1) year from April 29, 2022. The motion was seconded by A. Edwards. The members of the Board voted as follows: S. Penny-Yes, A. Edwards-Yes, M. Deitz-Yes, G. Meister-Yes and S. Lindauer-Yes. The motion carried 5 to 0. The Special Use Permit in the above matter is hereby extended for one (1) year from April 29, 2022.


Anne Markezich

Secretary, St. Clair County Zoning Board of Appeals

03/08/2022
Date