

St. Clair County Zoning Board of Appeals Meeting Minutes

Tuesday, May 5, 2026 at 6:00 P.M.

Members Present: Chairman Scott Penny, Steve Lindauer, Kent Heberer, Alexa Edwards, Steven Howell, & Paul Bergkoetter.

Members Absent: None

Zoning Staff in Attendance: Emily O'Connor, Attorney; and Dave Schneidewind, 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 Scott Penny explained the hearing procedures to meeting attendees.

C. Public Comment

No persons provided public comment.

D. New Business

- 1. Hearing 2026-05-ABV-** Danny & Nancy Cox, Kyle Cox, Kayleigh Cox & Kamdan Cox, ,4730 Buck Ridge Road, Freeburg, Illinois, Owners and Kyle B. Cox & Shannon Hayden, 7014 Gary Drive, Belleville, Illinois, Applicants. This is a request for an Area/Bulk Variance to allow the division of 223.24-acres creating one 10 +/- acre tract instead of the 40-acres required and to allow 50 ft. of frontage instead of the 100 ft. required with a remainder of 203.24-acres +/- in an "A" Agricultural Industry Zone District, on property known as 4730 Buck Ridge Road, Freeburg, Illinois, in New Athens Township (Parcel # 18-04.0-200-019). The Applicant Kyle Cox presented his application, along with his father Danny Cox, and Joe Moerchen of TWM, INC. to the Board. Neighboring property owner Jeff Haskenhoff testified that he wasn't against the division and Kyle Cox building house, but he didn't want to see Kyle's house from his house. Kyle testified that he located a new building site on the 10 acres, and he doesn't believe Mr. Haskenhoff will be able to see his house if located at this new building site. Additionally, a property owner to the north of the parcel in question, William Groh, provided testimony and comment. He stated that he doesn't live on his ground but has a club house there, and he doesn't want Kyle Cox coming through his ground for access to a public roadway. Both Kyle Cox and Danny Cox indicated that they can't go through Mr. Groh's property to access a public roadway. County Board Member Ed Cockrell recommended approval and further commented that the ground is old strip-mine ground that contains wooded areas and despite being zoned as Agricultural, is not usable as farm ground. Mr. Cockrell further testified that he did not see any issue with the frontage on Red Ray Mine Road. No other persons appeared to testify for or against the application. After considering all the testimony and evidence, a motion was made by P. Bergkoetter, seconded by S. Howell, to grant the request. Roll call vote. Motion passes. (See attached Decision Report.)

- 2. Hearing 2026-08-ABV** – Dale Paule & Scott Paule, 4722 Paule Lane, Millstadt, Illinois, Owners and Dale Paule & Sherri Paule, 4772 Paule Lane, Millstadt, Illinois, Applicants. This is a request for an Area/Bulk Variance to allow the division of 14.9-acres creating one 5 +/- acre tract and one 9.9 +/- acre tract instead of the 40-acres required and to allow both parcels 50 ft. of frontage instead of the 100 ft. required in an “A” Agricultural Industry Zone District, on property known as XXXX Paule Road, Millstadt, Illinois, in Smithton Township (Parcel # 13-07-300-009). Applicant Sherri Paule appeared and presented the application to the Board. Neighboring property owner Andrea Karcher’s main issue with the application is the increased traffic on the already bad road, and the issue of not having an easement to use the road, it was a handshake agreement. County Board Member Andy Bittle appeared and stated that he had no negative complaints in regard to the application and he is in favor so long as the road is cleaned up. No other persons testify for or against the request. After considering all the testimony and evidence, a motion was made by Steve Lindauer, seconded by Kent Heberer, to **continue** the request until August 4, 2026. This will allow all interested parties that have properties along the roadway/easement at issue to come up with a road use agreement and maintenance plan for the roadway that all parties can agree with. Roll call vote. Motion passes. (See attached Decision Report.)
- 3. Hearing 2026-06-ABV** – Travis & Taylor Schwartz, 528 Copper Bend Road, Maryville, Illinois, Owners & Applicants. This is a request for an Area/Bulk Variance to allow the division of 35.31 -acres creating one 5 +/- acre tract instead of the 40-acres required and one 30 +/- acre tract instead of the 40-acres required with 60 ft. of frontage instead of the 100 ft. required in an “A” Agricultural Industry Zone District, on property known as 5485 Sand Rock Road, Smithton, Illinois, in Smithton Township (Parcel # 13-32.0-400-026). The owner and applicant Travis Schwartz appeared and presented the application/petition to the Board. County Board Member Phil Henning testified recommending approval of the division. No other persons were in attendance at the hearing to provide testimony for or against the application/petition. After considering all the testimony and evidence, a motion was made by K. Heberer, seconded by S. Howell, to **grant** the request. Roll call vote. Motion passes. (See attached Decision Report.)
- 4. Hearing 2026-07-ABV** – Donna L. Stephens Family Trust, 505 Creek Ridge Court, Freeburg, Illinois, Owners and Charles & Colleen Veillon, 7637 Sedona Circle, Belleville, Illinois, Applicants. This is a request for an Area/Bulk Variance to allow an existing parcel with 13.28-acres instead of the 40-acres required in an “A” Agricultural Industry Zone District, on property known as 8095 Five Forks Road, New Athens, Illinois, in New Athens Township (Parcel #18-09.0-300-012). The owner Donna Stephens appeared with Charles and Colleen Veillon (contract purchasers) to present the application/petition to the Board. County Board Member Ed Cockrell testified recommending approval and further commented that the ground is wooded and not used for farm ground and thus, is not prime farm ground. No other persons were in attendance to provide testimony for or against the application/petition. After considering all the testimony and evidence, a motion was made by S. Howell, seconded by S. Lindauer, to **grant** the request. Roll call vote. Motion passes. (See attached Decision Report.)

F. Old Business

1. **Hearing 2018-31-SP** - Request from NextEra Energy to extend the Special Use Permit for an additional one (1) year that was previously granted by the St. Clair County Board on April 29, 2019. Further, the Applicant previously sought an initial extension that was granted on May 3, 2021, which extended the Special Use Permit for an additional one year to April 29, 2022. The Applicant again sought and was granted extensions on March 1, 2022 (extending to April 29, 2023), on January 10, 2023 (extending to April 29, 2024), on January 9, 2024 (extending to April 29, 2025), and June 3, 2025 (extending to April 29, 2026). A building permit has not been obtained to date, no construction has commenced, and a timely request for an additional extension was received by the St. Clair County Zoning Board of Appeals. Mr. Jake Marcum, Manager of Development West, of Madison Energy Infrastructure, appeared at the hearing and explained the current status of the project to the Zoning Board of Appeals. Mr. Marcum stated that the application for building permit has been submitted, however, the plans are still undergoing review by the St. Clair County Highway Engineer, and Mr. Marcum has not been advised of a possible review completion date. Discussion was had by the Zoning Board of Appeals members on the matter. Mr. Marcum advised that the proposed development and site plan remain substantially the same as that initially proposed and approved by the County, and no construction has been commenced. No other persons from the public were present to testify for or against the application. After considering all the testimony and evidence, a motion was made by A. Edwards and seconded by K. Heberer to **grant** the request. Roll Call Vote. Motion passes. (See attached Decision Report)

Adjournment

A. Edwards made a motion to adjourn the meeting, and K. Herberer seconded the motion. Roll call vote. Motion approved.

Meeting adjourned.