A. Call of Meeting to Order

B. Roll Call
   - Don Metzler
   - Mary Goode
   - Tyrone Echols
   - George Ellis
   - Thomas Ambrose
   - Nicholas Cohan
   - Sharon Sherrill

C. Approval of Minutes – August 25, 2020

D. Overview of Zoning Petitions

E. Explanation of Zoning Hearing Procedures and Swearing in of All Parties

F. Zoning Hearings
   1. Hearing Z20-0035 – Petition of Tyrel and Ronie Henkhaus, owners of record, requesting a variance as per §93.023, Section C, Item 3, Subsection (b) of the Madison County Zoning Ordinance in order to construct a pond that will be less than 250 feet from a dwelling on an adjacent property. This is located in an “A” Agricultural District in Hamel Township at 7871 Jerusalem Road, Edwardsville, Illinois, County Board District #3, PIN# 11-2-10-20-00-000-022

   2. Hearing Z20-0037 – Petition of Thomas Kappler, applicant on behalf of Carl McGaughey, owner of record, requesting a Special Use Permit as per §93.025, Section G, Item 20 of the Madison County Zoning Ordinance to have chickens on site; a variance as per §93.100, Section B, Item 2 of the Zoning Ordinance in order to have 6 chickens instead of 5; and a variance as per §93.100, Section B, Item 5 of the Zoning Ordinance in order to have the chicken coop and run 5 feet from the west property line instead of the required 20 feet. This is located in an “R-3” Single-Family Residential District in Fort Russell Township at 304 East Roosevelt Drive, Moro, Illinois, County Board District #14, PIN# 15-2-09-08-02-209-002

   3. Hearing Z20-0040 – Petition of Megan Zanger, owner of record along with Michael Zanger, requesting a Special Use Permit as per §93.023, Section D, Item 12 of the Madison County Zoning Ordinance in order to have a family cemetery on site. This is located in an “A” Agricultural District in Hamel Township at 5319 3 Lake Estates Lane, Edwardsville, Illinois, County Board District #3, PIN# 11-1-10-30-00-000-007.013

   4. Hearing Z20-0044 – Petition of Kevin and Gaye Pruett, owners of record, requesting a zoning map amendment to rezone an approximately 1.34 acre tract of land from “R-3” Single-Family Residential District to “B-5” Planned Business District in order to continue operating a construction business on site. This is located in Wood River Township at 762 Ridge Lane, East Alton, Illinois, County Board District #13, PIN# 19-2-08-11-19-401-005
G. Citizens Wishing to Address the Zoning Board of Appeals

H. Unfinished Business

I. New Business
   1. Z20-0035 – Petition of Tyrel and Ronie Henkhaus
   2. Z20-0037 – Petition of Thomas Kappler
   3. Z20-0040 – Petition of Megan Zanger
   4. Z20-0044 – Petition of Kevin and Gaye Pruett

J. Planning Coordinator’s Report

K. Adjournment

*MEETING DETAILS*
Due to the COVID-19 pandemic, the Zoning Board of Appeals will hold public hearings at the Madison County Administration Building in the County Board Room located at 157 N. Main St., Edwardsville, IL, Ste. 203 and virtually. All hearings are open to public comment. For those who cannot or do not wish to attend the in-person meeting you may listen-in to the meeting at https://www.co.madison.il.us/public. Any public comments and questions from those who cannot or do not wish to attend the in-person meeting must be emailed to Noelle Maxey at nemaxey@co.madison.il.us prior to the meeting and are limited to a three-minute timeframe. Each comment or question will be read during the hearing and will be added to the meeting minutes. Prior to the meeting, any documents related to the hearing will be available for viewing on a table at the entrance to the Planning & Development office. The meeting packet will be available on the Planning & Development website prior to the meeting as well.
Madison County Zoning Board of Appeals Meeting Minutes  
Tuesday, August 25, 2020 at 5:00 p.m.  
Virtual Meeting via GoToMeeting & In-Person in the County Board Room

Members Present: Don Metzler, Sharon Sherrill, Thomas Ambrose, Nicholas Cohan, George Ellis, and Mary Goode  
Members Absent: Tyrone Echols

A. Call to Order  
Don Metzler called the meeting to order at 5:00 p.m. and conducted roll call.

B. Approval of Minutes  
Chairman Metzler asked for a voice vote on the meeting minutes from July 28, 2020. All ayes. Motion approved.

C. Overview of Zoning Petitions and Staff Review  
Noelle Maxey, Madison County Planning and Development, gave a brief overview of the five zoning petitions and provided staff review.

D. Explanation of Zoning Hearing Procedures and Swearing in of All Parties  
Don Metzler explained hearing procedures to meeting attendees and swore in staff members and all parties wishing to address the Board.

E. Zoning Hearings  
The Zoning Board of Appeals conducted the zoning hearings on four agenda items. Please see the attached Findings of Facts for a summary of each zoning hearing and public comment.

F. Citizens Wishing to Address the Zoning Board of Appeals  
Please see the attached Findings of Facts for a summary of each zoning hearing and public comment.

G. Unfinished Business  
1. Hearing Z19-0058- Petition of Shadow Wood Development, LLC., owner of record, requesting a zoning map amendment to rezone 27.68 acres from "R-2" Single-Family Residential District to "R-7" Planned Residential District in order to create a 70 lot subdivision. This is located in Jarvis Township, west of Bauer Road, Troy, Illinois, County Board District #2, PIN# 09-1-22-14-00-000-001. A motion was made by Nicholas Cohan and seconded by Thomas Ambrose that the petition of Shadow Wood Development, LLC, be as follows: Denied. Roll-call vote. Ayes to the motion: Sharon Sherrill, Thomas Ambrose, Nicholas Cohan, George Ellis. Nays to the motion: Mary Goode. Motion passes.

H. New Business  
1. Hearing Z20-0032- Petition of Garrett and Laura Gerdes, owners of record, requesting a variance as per §93.051, Section A, Item 3, Subsection (b) of the Madison County Zoning Ordinance in order to construct an accessory structure that will be 8 feet from the south and west property lines instead of the required 15 feet. This is located in an “A” Agricultural District in Foster Township at 3878 McCoy Road, Bethalto, Illinois, County Board District #5, PIN# 20-1-02-27-04-402-002. A motion was made by George Ellis and seconded by Mary Goode that the petition of Garrett and Laura Gerdes be as follows: Approved. Roll-call vote. Ayes to the motion: Thomas Ambrose, Nicholas Cohan, George Ellis, Mary Goode. Nays to the motion: Sharon Sherrill. Motion passes.

2. Hearing Z20-0034- Petition of Network Real Estate, LLC, applicant on behalf of AT&T, and James E. Dempsey Trust, owner of record, requesting a variance as per §93.099, Section D, Item 6 of the Madison County Zoning Ordinance in order to install a 6 foot composite stone fence instead of the required landscape buffer. This is located in an “A” Agricultural District in Moro Township at 4290 Seiler Road, Dorsey, Illinois, County Board
District #5, PIN# 16-1-03-17-00-000-007. A motion was made by Sharon Sherrill and seconded by Thomas Ambrose that the petition of Network Real Estate, LLC, and AT&T and James E. Dempsey Trust be as follows: Approved. Roll-call vote. Ayes to the motion: Sharon Sherrill, Thomas Ambrose, George Ellis, Nicholas Cohan. Nays to the motion: Mary Goode. Motion passes.

3. Hearing Z20-0036- Petition of Laura and Richard Lynch, applicants on behalf of The Estate of Elmer E. Prante, owner of record, requesting a Special Use Permit as per §93.023, Section D, Item 20 of the Madison County Zoning Ordinance in order to place a double-wide mobile home on the property for the occupancy of Laura and Richard Lynch and family for a period not to exceed 5 years. This is located in an “A” Agricultural District in Olive Township at 11758 New Douglas Road, New Douglas, Illinois, County Board District #4, PIN# 08-1-05-13-00-000-011. A motion was made by Mary Goode and seconded by Sharon Sherrill that the petition of Laura and Richard Lynch and the Estate of Elmer E. Prante be as follows: Approved with conditions. Roll-call vote. Ayes to the motion: Sharon Sherrill, Thomas Ambrose, Nicholas Cohan, George Ellis, Mary Goode. Nays to the motion: none. Motion passes.

4. Hearing Z20-0038- Petition of Andrew and Lisa Schmitt, applicants on behalf of Jerry Don and Mary Smith, owners of record, requesting a zoning map amendment to rezone a 1 acre tract of land from “A” Agricultural District to “B-5” Planned Business District in order to operate a garage door business on site. This is located in Jarvis Township at 9538 US Highway 40, St. Jacob, Illinois, County Board District #2, PIN# 09-1-22-12-00-000-018. A motion was made by Mary Goode and seconded by Thomas Ambrose that the petition of Andrew and Lisa Schmitt and Jerry Don and Mary Smith be as follows: Approved with “Appendix A”. Roll-call vote. Ayes to the motion: Sharon Sherrill, Thomas Ambrose, Nicholas Cohan, George Ellis, Mary Goode. Nays to the motion: none. Motion passes.

I. Planning Coordinator’s Report
None.

J. Adjournment
George Ellis made a motion to adjourn the meeting. Seconded by Nicholas Cohan. Voice-vote. All ayes. Motion approved. Meeting adjourned.
Zoning Board of Appeals Staff Report

Application Number: Z20-0035

Meeting Date: September 22, 2020

From: Noelle Maxey
Assistant Planner

Location: 7871 Jerusalem Road
Edwardsville, Illinois
County Board District #3 (Phil Chapman)
PIN: 11-2-10-20-00-000-022

Zoning Request: Variance

Description: Pond Setback from a Dwelling on an Adjacent Lot

Attachments: Attachment “A” – Letter of Approval from TWM, Inc.
Attachment “B” – Letter of Support from Adjacent Property Owner

Proposal Summary
The applicants are Tyrel and Ronie Henkhaus, owners of record. The subject property, which is zoned “A” Agricultural District, is located at 7871 Jerusalem Road, Edwardsville, in Hamel Township, County Board District #3. The applicant is requesting a variance as per §93.023, Section C, Item 3, Subsection (b) of the Madison County Zoning Ordinance in order to construct a pond that will be less than 250 feet from a dwelling on an adjacent property. In order for the applicant to be issued a building permit to construct the pond, the subject variance must be reviewed and approved by the Zoning Board of Appeals (ZBA) as per §93.176, Section A, Item 1 of the Madison County Zoning Ordinance.

Planning and Zoning Considerations

- **Land Use and Zoning of Surrounding Properties**

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<tr>
<td>West</td>
<td>Row Cropping/Single-Family Dwelling</td>
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- **Zoning History** – There have been no zoning requests on the subject property in the past. There are two outstanding violations on the property. One is for constructing a pond that is less than 250 feet from a dwelling...
on an adjacent property, which would be resolved with approval of this variance request. The other is for tall grass from September 14, 2020.

- **Variance for Pond Setback** – The applicants had already built a pond in front of their home before knowing that ponds are required to be at least 250 feet from a dwelling on any adjacent property per §93.023, Section C, Item 3, Subsection (b) of the Madison County Zoning Ordinance. Earlier this year, the applicants received a violation for the pond not meeting this requirement. The violation will be resolved with the approval of this variance request.

The applicants are requesting a variance for the pond to be 220 feet from the nearest dwelling on an adjacent lot instead of the required 250 feet. See page 4 for site photographs and page 5 for the site plan. After applying for this variance, Planning & Development staff required the applicants to have a professional engineer inspect the pond to make sure it was built up to required standards. Justin Venvertloh with TWM, Inc. inspected the pond and approved the construction methods in August. See Attachment “A” on page 7 for a copy of the letter of approval.

### Staff Review

When reviewing an application, the following should be taken into consideration: (1) the precedent, (2) the Standards of Review, and (3) public input.

1. In the past 13 years, there have 13 variance requests for the setback of a pond from a dwelling on an adjacent lot. Two were denied, while the rest were approved. However, earlier this year, a text amendment to the Zoning Ordinance changed the setback requirement from 500 feet to 250 feet. All of these previous requests were for less than the 500 feet requirement. This request is the first request since the setback requirement has changed.

2. The below Standards of Review for Variances should be taken into consideration for this request. The ZBA has the authority to add conditions of approval to the variance request or recommend denial of the request if the ZBA feels it does not meet the below Standards of Review.

3. Public input during the hearing has value and should be considered by staff and the ZBA when making a recommendation. Staff will provide a formal recommendation based on the outcome of the public hearing.

### Standards of Review for Variances

Per §93.167, Section (I), Items 1-4 of the Madison County Zoning Ordinance, the Zoning Board of Appeals shall ensure that the following conditions are met when considering a Variance request:

1. That there are special circumstances or conditions as fully described in the findings, applying to the land or buildings for which the variance is sought, which circumstances or conditions are peculiar to such land or building and do not apply generally to the land or buildings in the surrounding area, and that circumstances or conditions are such that strict application of this Zoning Code would deprive the applicant of a reasonable permitted use of the land or building; and,

2. That, for reasons fully set forth in the findings, the granting of the variance is necessary for the reasonable use of land or buildings, and that the variance is the minimum variance that will accomplish this purpose; and,

3. That the granting of this variance would be in harmony with the general purpose and intent of this Zoning Code, and will not be injurious to the surrounding area or otherwise detrimental to the character and use of adjoining buildings and those in the vicinity, the Board, in making its findings, shall take into account whether the condition of the subject premises is peculiar to the lot or tract described in the petition or is merely part of the general condition of the area.

4. No Variance shall be approved that constitutes a variation in use not permitted in the district.
The subject property is outlined in red with the approximate location of the pond shown in blue. Please note property lines may be skewed to imagery.
Site Photographs
Site Plan

220' distance between newly constructed pond and existing dwelling
I, Tyrel Henkhaus am requesting a variance for the code violation (93.023). The newly constructed pond is within 250’ of a neighboring dwelling. The actual distance is approximately 220’ between the closest corner of the pond to the neighbor’s house. There doesn’t seem to be any other issues, and all water entering and leaving the pond are the same elevations that previously existed.

Thank You,

Tyrel Henkhaus
August 10, 2020

Tyrel Henkhaus
7871 Jerusalem Road
Edwardsville, Illinois 62025

RE: Existing Pond Construction

Mr. Henkhaus

TWM was onsite to inspect the existing pond construction located on your property at 7871 Jerusalem Road in Madison County, Illinois. It is TWM's understanding that the pond construction requires a variance from the Madison County Zoning Board and part of that process is to have an inspection completed to review the dam construction, spillway / outfall and side slopes.

TWM made a visual inspection of the existing pond and spoke to you in regards to its construction. There is no dam on the existing pond. It was constructed as a depression and the outflow is to existing grade. It is our understanding that once the zoning board approves the variance RR-4 rip rap will be added to the outlet to help with maintenance purposes. The pond is constructed of 3:1 side slope and the water surface is approximately 70 feet by 40 feet. The 3:1 side slope is typical construction for a structure of this nature. The depth of the pond is 6 feet which complies with acceptable practices for lake construction.

After visual inspection of the existing pond TWM hereby approves of the construction methods utilized for the construction and there is no danger to any downstream property owners from the construction.

Should you have any questions, please feel free to contact me at your convenience at 618-656-4040 or by email at jvenvertloh@twm-inc.com

Respectfully,

Thouvenot, Wade & Moerchen, Inc.

Justin Venvertloh, PE
Project Manager

CC: Encl: None
September 15, 2020

Madison County Zoning Board of Appeals
RE File Number: Z20-0035
Applicant: Tyrel Henkhaus
Property Address: 7871 Jerusalem Road Edwardsville IL 62025
Parcel Number: 11-2-10-20-00-000-022

Dear Madison County Board Members:

My name is Karen Luster. My husband, Robert and I are the property owners adjoining Tyrel’s parcel to the East. Our address is 7876 Jerusalem Road, Edwardsville IL 62025. This letter is to confirm that we have no issue or cause for concern for the pond located in the front southern most section of the applicant’s property. While we are not able to attend, we will be available by phone (618-920-2348). If you have any further questions regarding this matter, please feel free to contact us. Thank you for your notification and we hope that you will grant Tyrel his variance.

Sincerely,

Karen Luster

Karen Luster
7876 Jerusalem Road
Edwardsville IL 62025
karen.luster@outlook.com
618-920-2348
Zoning Board of Appeals Staff Report

Application Number: Z20-0037

Meeting Date: September 22, 2020

From: Noelle Maxey
Assistant Planner

Location: 304 East Roosevelt Drive
Moro, Illinois
County Board District #14 (Tom McRae)
PIN: 15-2-09-08-02-209-002

Zoning Request: SUP and Variances

Description: SUP to Keep Chickens (Hens Only)
Setback Variance of Chicken Coop
Variance for Number of Chickens

Attachments: Attachment “A” – Letter of Permission from Property Owner

Proposal Summary
The applicant is Thomas Kappler, on behalf of Carl McGaughey, owner of record. The applicant is requesting a Special Use Permit (SUP) as per §93.025, Section G, Item 20 of the Madison County Zoning Ordinance to have chickens on site; a variance as per §93.100, Section B, Item 2 of the Zoning Ordinance to have 6 chickens instead of 5; and a variance as per §93.100, Section B, Item 5 of the Zoning Ordinance in order to have the chicken coop and run five feet (5’) from the west property line instead of the required twenty feet (20’). This subject property is zoned “R-3” Single-Family Residential and is located in Fort Russell Township at 304 East Roosevelt Drive, Moro, Illinois, County Board District #14. The Special Use Permit and variance requests must be reviewed and approved by the Zoning Board of Appeals and County Board via the Planning & Development Committee as per §93.176, Section A, Items 1 and 2 of the Madison County Zoning Ordinance.

Planning Considerations
- **Land Use and Zoning of Surrounding Properties**

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<td>West</td>
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<td>“R-3” Single-Family Residential</td>
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- **Zoning History** – There have been no other zoning requests on the property in the past. The property owner was put under violation in 2017 for an unlicensed vehicle on the property. Earlier this year, the property was put under
violation for the chickens that are the subject of this request. Approval of the Special Use Permit would resolve this violation.

- **SUP for Domestic Farm Animals, Variance for Number of Chickens, and Variance for Chicken Coop Setback** – The applicant is requesting a Special Use Permit to keep chickens on site, as well as two variances. The first variance is to have 6 chickens, one more than the five allowed. The second variance is for the chicken coop and run to be five feet (5’) from the west property line instead of the required twenty feet (20’). The applicant’s proposal meets all other requirements for keeping chickens. The subject property, zoned “R-3,” is approximately 0.22 acres in size. The applicant is currently renting the property from Carl McGaughey, owner of record. Please see Attachment “A” for Mr. McGaughey’s letter giving permission to the applicant to make these requests.

The applicant states in his narrative statement on page 7 that they currently have the 6 hens that they use for fresh eggs and as an educational tool for their children. The applicant also states that the location of the coop on the property is due to a large tree on the west side that provides shade for the chickens, and this is the only source of natural shading over the yard. The existing chicken coop is six feet by four feet (6’x4’) in size with an eighteen foot by twenty foot (18’x20’) chicken run. This exceeds the 16 square feet of permeable land per chicken requirement, even with 6 chickens instead of 5. See page 5 for site photos and page 6 for the site plan.

- **Conditions of Approval** – The ZBA has the authority to place additional Conditions of Approval of the Special Use Permit and variances than those listed below. If the ZBA feels that a component of the keeping of chickens at the subject property may have a negative impact on adjoining properties, conditions can be added to the request to mitigate the impact, or the SUP request or either or both variance requests can be recommended for denial.

**Staff Review**

When reviewing an application, the following should be taken into consideration: (1) the precedent, (2) the Standards of Review, and (3) public input.

1. In the past 13 years, there have been six requests for keeping chickens. All were approved. There have been three requests for a variance for the setback of the chicken coop. All were approved, except for one request in which the variance to have a chicken coop on the property line was denied, though the SUP for keeping chickens was approved. There have been no variance requests to have more chickens than what is allowed.
2. The below Standards of Review for Special Use Permits and Variances should be taken into consideration for this request. If the ZBA feels that a component of the keeping of chickens at the subject property may have a negative impact on adjoining properties or the requests do not meet the below Standards of Review, the ZBA has the authority to place additional conditions of approval to the SUP and variance or recommend denial of either or both variance requests or the SUP.
3. Public input during the hearing has value and should be considered by staff and the ZBA when making a recommendation. Staff will provide a formal recommendation based on the outcome of the public hearing.

**Conditions of Approval**

If the Zoning Board of Appeals chooses to recommend approval, staff recommends the following conditions:

1. This Special Use Permit is granted for the sole usage of Thomas Kappler and family. Any change of tenant or ownership will void the Special Use Permit.
2. The owner shall keep the property in compliance with all Madison County Ordinances, including but not limited to §93.100 Domestic Farm Animals.
3. The owner/applicant shall apply for an amendment to this Special Use Permit for any future alterations, modifications, or expansions of the use.
4. The owner’s/applicant’s failure to adhere to the conditions of the Special Use Permit will cause revocation of the same, and require immediate removal of the chickens, chicken coop, and chicken run.
Standard of Review for Special Use Permits
Per §93.178, Section (F), Items 1-7 of the Madison County Zoning Ordinance, the Zoning Board of Appeals shall consider the following items when reviewing a SUP request:

1. The effect the proposal would have on the county comprehensive plan;
2. The effect the development would have on schools, traffic, streets, shopping, public utilities, and adjacent properties;
3. Whether the application necessary for the public convenience at that location;
4. In the case of an existing nonconforming use, whether a special use permit would make the use more compatible with its surroundings;
5. Whether the application is designed, located, and proposed to be operated in a manner that protects the public health, safety, and welfare;
6. Whether the application will cause injury to the value of other property in the neighborhood in which it is located; and,
7. Whether the special use would be detrimental to the essential character of the district in which it is located.

Standard of Review for Variances
Per §93.177, Section (I), Items 1-4 of the Madison County Zoning Ordinance, the Zoning Board of Appeals shall ensure that the following conditions are met when considering a Variance request:

1. That there are special circumstances or conditions as fully described in the findings, applying to the land or buildings for which the variance is sought, which circumstances or conditions are peculiar to such land or building and do not apply generally to the land or buildings in the surrounding area, and that circumstances or conditions are such that strict application of this Zoning Code would deprive the applicant of a reasonable permitted use of the land or building; and,
2. That, for reasons fully set forth in the findings, the granting of the variance is necessary for the reasonable use of land or buildings, and that the variance is the minimum variance that will accomplish this purpose; and,
3. That the granting of this variance would be in harmony with the general purpose and intent of this Zoning Code, and will not be injurious to the surrounding area or otherwise detrimental to the character and use of adjoining buildings and those in the vicinity, the Board, in making its findings, shall take into account whether the condition of the subject premises is peculiar to the lot or tract described in the petition or is merely part of the general condition of the area; and,
4. No Variance shall be approved that constitutes a variation in use not permitted in the district.
Aerial Photograph

The subject property is outlined in blue. Please note that property lines may be skewed to imagery.
Site Photographs
Narrative Statement

I am responding to a request for more information regarding the chickens on the property at 304 East Roosevelt, Moro, IL. We are requesting a variance to the ordinance requiring 20 feet, down to 5 feet on the west side of the property line for the coop and a variance to have 6 chickens instead of 5 if possible. I hope this answers any other information you have requested.

The reason for the alteration to vary the ordinance is as follows:

1) I have 6 laying hens that provide my family with fresh eggs. They are being raised by my daughter (5) and son (11) and I believe this is a way to teach responsibility and of course we benefit from having fresh eggs for us and others we share with.

2) There is a large tree on the west side property line that provides shade for the coop and chickens. This is important because there is no other natural shading in the yard and this tree helps to protect the chickens from the extreme heat.

3) The coop & fencing is 18’ x 20’, which is needed to house, and have space for the 6 chickens to roam. If it is moved from 5’ on west side to 20’, then it would place it in the middle of the back yard, creating a problem with the existing shed.

4) Also, If the coop is moved to the middle of the property, it would impair and lessen our view as parents to see our children at play, especially if they go behind the coop. This would also decrease the childrens play area. With the coop and pen at the right side of the property allows us 90% unobstructed view of the whole back yard.

I would appreciate it if you would take the above reasons into consideration and grant us the requested variance to 5ft on the west side of the property line that is next to an empty lot.

Thank you for your time.

Sincerely,

Thomas Kappler
304 East Roosevelt
Moro, IL
7-28-20

I, CARL MCCARTHY, give THOMAS KAPERSKIE
PREMSTADEN to have chickens at 304 E. ROOSEVELT, MORA, IL 62067

Carl M.

[Signature]

LINDSEY M. CRESS
NOTARY PUBLIC - STATE OF ILLINOIS
My Commission Expires May 5, 2023
Zoning Board of Appeals Staff Report

Application Number: Z20-0040

Meeting Date: September 22, 2020

From: Noelle Maxey
     Assistant Planner

Location: 5319 3 Lake Estates Lane
         Edwardsville, IL
         County Board District #3 (Phil Chapman)
         PIN: 11-1-10-30-00-000-007.013

Zoning Request: Special Use Permit

Description: Family Cemetery on Site

Attachments: Attachment “A” – Approval Documentation from the State of Illinois
             Attachment “B” – Opposition Comments

Proposal Summary
The applicants are Megan and Michael Zanger, owners of record. The subject property, which is zoned “A” Agricultural District, is located at 5319 3 Lake Estates Lane, Edwardsville, in Hamel Township, County Board District #3. The applicants are requesting a Special Use Permit as per §93.023, Section D, Item 12 of the Madison County Zoning Ordinance in order to have a family cemetery on site. In order for this request to be permitted, the ZBA must review and approve the application as per §93.176, Section A, Item 2 of the Madison County Zoning Ordinance.

Planning Considerations

- **Land Use and Zoning of Surrounding Properties**

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- **Zoning History** – There have been no zoning requests on the subject property in the past. There are no outstanding violations on the property.
• **SUP for Family Cemetery** – Megan and Michael Zanger, owners of record, are requesting a Special Use Permit to have a family cemetery/burial plot on their property. See page 4 for a site plan and page 5 for site photos. The subject property is 10.76 acres in size and mostly forested. The area being proposed for a family cemetery on the property is approximately 1 acre in size. The applicants state in their narrative statement on page 6 that the family cemetery would include 50 plots, and the applicants would keep a record of the name interred, date of interment, date of death, and location of remains. The State of Illinois approved the Zanger Family Cemetery and July of this year and provided documentation, which can be found in Attachment “A” on pages 7 and 8.

• **Conditions of Approval** – The ZBA has the authority to place additional Conditions of Approval of the Special Use Permit than those listed below. If the ZBA feels that a component of the family burial plot will have a negative impact on adjoining properties, conditions can be added to the request to mitigate the impact, or the SUP request can be recommended for denial.

**Staff Review**
When reviewing an application, the following should be taken into consideration; (1) precedent, (2) standards of review and (3) public input.

1. Over the past 13 years, we have received one other request for an SUP for a family/private cemetery on site. It was approved.
2. The below Standards of Review for Special Use Permits should be taken into consideration for this request. If the ZBA feels the request does not meet the below Standards of Review, the ZBA has the authority to place additional conditions of approval to the SUP or recommend denial of the request.
3. Public input during the hearing has value and should be considered by staff and the ZBA when making a recommendation. Staff will provide a formal recommendation based on the outcome of the public hearing.

**Conditions of Approval**
If the Zoning Board of Appeals chooses to recommend approval for the special use permit, staff recommends the following conditions:

1. The Special Use Permit is granted for the Zanger Family only and is not transferable to subsequent owners of the property. If subsequent owners want to continue utilizing the family cemetery, a new Special Use Permit must be obtained.
2. The maximum number of plots in the family cemetery shall be 50.
3. Any change in number of plots or size of the family cemetery shall be subject to further review and another zoning hearing to amend this Special Use Permit.
4. The family cemetery shall adhere to all Madison County Ordinances, including but not limited to the Madison County Zoning Ordinance, and to all related Illinois state statues and family cemetery regulations.

**Standard of Review for Special Use Permits**
As per §93.178, Section (F), Items (1-7), below are the seven consideration items listed in the Zoning Ordinance that the Zoning Board of Appeals shall take into account while reviewing a SUP request.

1. The effect the proposal would have on the county comprehensive plan;
2. The effect the development would have on schools, traffic, streets, shopping, public utilities, and adjacent properties;
3. Whether the application is necessary for the public convenience at that location;
4. In the case of an existing nonconforming use, whether a special use permit would make the use more compatible with its surroundings;
5. Whether the application is designed, located, and proposed to be operated in a manner that protects the public health, safety, and welfare;
6. Whether the application will cause injury to the value of other property in the neighborhood in which it is located; and,
7. Whether the special use would be detrimental to the essential character of the district in which it is located.

Aerial Photograph

The subject property is outlined in orange with the approximate location of the proposed family cemetery shown in yellow. Please note property lines may be skewed to imagery.
Site Plan

Approximately 0.5 acres between home & proposed cemetery area
Site Photos
Narrative Statement

June 6, 2020

Breana Buncher
Planning Coordinator
Madison County Planning & Development
157 North Main Street, Suite 254
Edwardsville, IL 62025

Dear Breana Buncher,

This is a letter of intent to utilize approximately one acre of our property as a family cemetery. Currently our home sits on almost 11 acres. The acre we propose for our family cemetery is not used by any roadway or services.

The area will be open for family members to around 50 plots. Cremated remains will be discouraged but not refused. It will be recommended that the remains be in a shroud or decomposing material. Embalmed remains will be discourage.

Remains will be at least 2 feet deep and protected by either a tree planted at the time of interment, sculpture or a stone.

There will be a record kept of the name interred, date of interment, date of death and location of remains.

Respectfully,

Megan Zanger
July 29, 2020

Ms. Megan Zanger
5319 3 Lakes Estate Lane
Edwardsville, IL 62025

Re: Zanger Family Cemetery

Dear Ms. Zanger:

Enclosed please find the Certificate of Exemption, No. 057/8525/05, for the Zanger Family Cemetery, Edwardsville, Madison County, Illinois.

Under Section 8 of the Illinois Cemetery Care Act (760 ILCS 100/1 et seq.), “Every cemetery authority that is not required to file an annual report under this Act shall bear the responsibility of informing the Comptroller whenever a change takes place regarding status of cemetery, name of contact person, and that person’s address and telephone number.”

If you have any questions or need additional information, please do not hesitate to contact Jim Waters, Licensing and Compliance Manager at 312-814-1078.

Sincerely,

[Signature]

Susana A. Mendoza
Illinois State Comptroller

Enclosure
STATE OF ILLINOIS
COMPTROLLER
SUSANA A. MENDOZA

CERTIFICATE OF EXEMPTION

Susana A. Mendoza hereby certifies that the

Zanger Family Cemetery

5319 3 Lakes Estates Lane

Edwardsville, Madison County, Illinois, 62025

has registered with the Office of the Comptroller as a

Family Burying Ground

pursuant to Section 8 of the Illinois Cemetery Care Act.

On the basis of the information provided,

the claim for exemption from the licensing provisions of the

Illinois Cemetery Care Act

is hereby granted under exemption number 057/8525/05.

[Signature]

Susana A. Mendoza
Illinois State Comptroller
July 29, 2020
Hello,

We are Sean and Windy Schwagler and we live at 5318 3 Lake Estates Ln, Edwardsville, IL 62025.

We are responding to this petition via email as we can not attend in person on Tuesday 9/22/2020. Based off the information some of our neighbors have gathered about the location, size and number of plots these are the concerns and questions we have.

Our road is privately owned and maintained by the homeowners. This cemetery will increase the amount of traffic on our road which means increased maintenance cost to all homeowners. If heavy equipment is brought up to excavate for burial this will also lead to road breakdown and increased maintenance costs. If the county is going to allow this, will the county take over maintaining this road? If not taken over by the county and the Zanger family sells, will they still be responsible for neighborhood dues (which pay for the road upkeep)?

If the county is going to allow this, will this affect our property value? If so, will the county reduce our property taxes?

Is the Zanger Family maintaining the cemetery? If the Zanger Family ever decide to sell, who is responsible for the maintenance?

At this time we are NOT for this proposal.

The Schwagler's

I am writing in OBJECTION to this request for the Special Use Permit for the family cemetery on site as a resident of this neighborhood. My concern is this would affect future property values amongst other concerns too.

Kim Davis
5300 Three Lake Estates Lane
Edwardsville, IL 62025
Phone: 314-229-3492
Proposal Summary
The applicants and property owners are Kevin and Gaye Pruett. The subject property, which is currently zoned “R-3” Single-Family Residential, is located at 762 Ridge Lane, East Alton, in Wood River Township, County Board District #13. The property is currently being used as a residence and for a construction business. The applicants are requesting to rezone the property to “B-5” Planned Business District in order to continue utilizing the property for a residence and construction business. The “B-5” Planned Business District was recommended for this application to limit the impacts of the commercial use on adjoining residential properties. Unlike other Business Districts, “B-5” Districts provide the flexibility to restrict permitted uses. As per §93.176, Section A, Item 3 of the Madison County Zoning Ordinance, the map amendment must be reviewed by the Zoning Board of Appeals and then the County Board via the Planning and Development Committee.

Planning Considerations

- **Land Use and Zoning of Surrounding Properties**

<table>
<thead>
<tr>
<th>Direction</th>
<th>Land Use</th>
<th>Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>VFW Park</td>
<td>“B-1” Limited Business</td>
</tr>
<tr>
<td>South</td>
<td>Single-Family Dwellings</td>
<td>“R-3” Single-Family Residential</td>
</tr>
<tr>
<td>East</td>
<td>I-255</td>
<td><strong>R-3</strong> Single-Family Residential</td>
</tr>
<tr>
<td>West</td>
<td>Single-Family Dwelling</td>
<td><strong>R-3</strong> Single-Family Residential</td>
</tr>
</tbody>
</table>

- **Zoning History** – There have been no other zoning requests on the property in the past. There are no outstanding violations on the property.
Rezoning from “R-3” Single-Family to “B-5” Planned Business – The applicants are requesting to rezone the subject property, which is approximately 1.34 acres in size, from “R-3” Single-Family Residential to “B-5” Planned Business District in order to continue to utilize the property as both a residence and contractor’s office/storage for Mr. Pruett’s construction business. Planning & Development was unaware that a construction business was operating on site until Mr. Pruett applied for a building permit for a 4800 square foot pole barn. Since “R-3” Districts have a requirement that states, “The maximum floor area of accessory structures shall be no greater than two (2) times the first-level floor area of the primary structure,” the proposed structure could not be approved. It was at this time that staff became aware that the intended use for the proposed structure was storage and an office for the construction business already operating from the property. Staff told Mr. Pruett he would have to either rezone to a “B-5” District or remove the business from the property. Should this zoning map amendment be approved, Mr. Pruett will move forward with obtaining a building permit for the 4800 square foot pole barn.

In an effort to minimize the impact on the surrounding residential area, the applicant has agreed to limit future uses of the property by requesting a “B-5” Planned Business District. Appendix “A” of this report details the uses that would be permitted on the subject property should the map amendment be approved. The ZBA may consider the impact of these potential uses. In addition, the ZBA may further restrict the list of uses if it deems a specific use is inappropriate for the surrounding area.

If the petition is approved, the applicants will be required to adhere to all district conditions and use requirements contained in Appendix “A”. Should the applicants submit plans with substantive differences than the approved use and accompanying site plan, the applicants will be required to amend their “B-5” Planned Business District and return to the Planning & Development Committee for review upon a recommendation from the Zoning Board of Appeals.

Existing & New Structures – There is an existing single-family dwelling on the property where the applicants live. Mr. Pruett is proposing to construct a 4800 square foot pole barn towards the back of the property to be used for the construction business. The proposed structure would be 20 feet to peak in height and would have three overhead garage doors with a gravel driveway, a storage area for vehicles and equipment, and an office and bathroom. The structure will be required to be built to commercial building standards and be ADA compliant.

Access & Circulation – The subject property has one access point off of Ridge Lane. The applicants are not proposing any changes to the ingress/egress of the property, but would be adding a gravel driveway for the proposed accessory structure off of their existing asphalt driveway for the home.

Parking – The applicants are not proposing a specific parking area, as clients will not be coming on site. The applicants state that subcontractors, generally only three per day, will park outside the proposed pole barn before heading off to construction sites for the day.

Fencing & Screening – The “B-5” Planned Business District does not provide screening or fencing standards, and the applicants are not proposing any fencing or landscaping. The ZBA may consider the impact of no proposed fencing and landscape screening on the surrounding area. Outdoor storage of materials or equipment will be permitted on the subject property, provided they are kept in a neat and orderly condition, and not permitted to create a health hazard and an eye-sore to the general area.

Floodplain – There is no floodplain on the subject property.

Staff Review
When reviewing an application, the following should be taken into consideration: (1) the precedent, (2) the Standards of Review, and (3) public input.
1. In the past 13 years, there have been 10 requests to rezone to a “B-5” Planned Business District. Two were withdrawn, two were denied, and six were approved.

2. The below Standards of Review for zoning map amendments should be taken into consideration for this request. The ZBA has the authority to add conditions of approval to the zoning map amendment request or recommend denial of the request if the ZBA feels it does not meet the below Standards of Review.

3. Public input during the hearing has value and should be considered by staff and the ZBA when making a recommendation. Staff will provide a formal recommendation based on the outcome of the public hearing.

**Standard of Review for Zoning Amendments**

Below are the eight (8) stated consideration items the Zoning Board of Appeals may take into consideration while considering a Zoning Amendment request.

1. Existing use(s) and zoning of the property in question;
2. Existing use(s) and zoning of other lots in the vicinity of the property in question;
3. Suitability of the property in question for uses already permitted under existing regulations;
4. Suitability of the property in question for the proposed use;
5. The trend of development in the vicinity of the property in question, including changes (if any) which may have occurred since the property as initially zoned or last zoned;
6. The effect of the proposed rezoning would have on the implementation of the Comprehensive plan;
7. Impact of the proposed rezoning on surrounding properties;
8. Impact of the proposed rezoning on health, safety and welfare of the community
Aerial Photo & Zoning Map

The subject property is outlined in blue. Please note property lines may be skewed to imagery.
Site Photos
Last year the state of IL had about an acre of land adjoining I255 on the east end of my property that came up for sale and I bought it with the intention of building a pole barn to store my equipment. When applying for a permit to build a Pole Barn I was told that I would need to rezone the entire property from R-3 to B-5 because it would be considered a business use.

Diversified Construction Services is a construction business that does many types of construction projects. We do Room additions, new home construction, garages, decks, porches & we remodel homes. Currently I am the only employee of Diversified Construction. I use sub contractors, generally 3 sub-contractors will meet at my house in the morning to plan our day and travel to the job site.

The project will consist of a pole barn pole barn 60’x80’ to store vehicles, equipment & tools. I intend to add an office & bathroom. All construction will meet or exceed applicable codes. I do not ever anticipate meeting with clients at the garage. I do not intend to have any signage because I do not plan to conduct business from the garage. I will not have set hours at the pole barn because I do not intend to meet clients there. There will be. This Pole Barn will be used to keep the equipment used by my business out of sight. I do not intend to use this pole barn as a construction site, I do not plan to build things inside or outside of the pole barn. Our work is not done in advance, it is done at the location we are building or remodeling.

The Garage will be 60X80, constructed from metal with a concrete floor. The front will have a covered porch 12’W X 24’L and a gable in front that will be 20’ tall. I plan to have 3 overhead garage doors (2-10x10) & (1-10X12) with a gravel driveway for the time being.

Please keep in mind that the back of my house will overlook this garage so it will not be unsightly or unkept. As mentioned before, the original intent of this project was to keep my equipment out of view
Appendix “A”

(A) The applicant will be required to adhere to all district conditions and use requirements below. Should the applicant submit plans with substantive differences than the proposed use and accompanying site plan, the applicant will be required to return to the Planning & Development Committee for review upon a recommendation from the Zoning Board of Appeals.

(B) Conditions of Use
1. Yard areas. No building related to the construction business shall be erected or enlarged unless the following yards are provided and maintained in connection with the building:
   a. Front Yard. A front yard setback of at least 50 feet shall be provided.
   b. Side Yard. A side yard setback of at least 10 feet from the east property line and 30 feet from the west property line shall be provided.
   c. Rear Yard. A rear yard setback of at least 15 feet shall be provided.
2. All buildings related to the construction business must be located behind the single-family dwelling on the property.
3. The existing single-family dwelling and any future single-family dwelling, should the existing dwelling be demolished or destroyed, must meet “R-3” Single-Family Residential District setback requirements.

(C) Permitted Uses.
1. Contractors' offices and shops, where no fabricating is done on premises and where storage of materials and equipment is permitted on the outside of the building, provided they are kept in a neat and orderly condition, and not permitted to create a health hazard and an eye-sore to the general area.

(D) Special Uses. The following uses may be allowed by special uses permit in accordance with provisions of §93.162 & §93.178.
1. Utilities, electrical substations, other public utility distribution facilities.

(E) Accessory uses. Accessory uses that are clearly associated with and supplementary to the principal uses of the lot or tract of land.
1. Off-street parking and loading.
2. Accessory structures.

(F) Prohibited uses.
1. The following uses shall not be permitted: Boarding and rooming houses; dormitories, fraternity and sorority houses; apartment hotels; manufactured homes or manufactured home parks; and any uses for living quarters not specifically provided for in this section.
2. Neither junkyards, the dismantling of vehicles or the storage of dismantled vehicles, petroleum bulk plants, or outside storage of inflammable liquids or explosives, shall be permitted in this district.
3. Vehicles, such as automobiles, buses, and trucks that do not bear a current set of license plates; or are not in running condition; or are in such a condition that they are inoperable on public streets shall not be permitted.
4. Restaurants or bars that feature nude dancing in any form.
Dear Zoning Board:

This is a letter of recommendation to allow Kevin and Gaye Pruett to build a building to continue to run his construction business. The Pruett’s have always maintained their property to the highest standard for as long as I can remember. This building will be nothing more than to store and secure his hard-earned equipment that he uses daily. Kevin running his construction business out of his house is no different than someone working from home on their computer.

I would hope you as a board would be more than willing to help a small business like this. Especially during these difficult times small businesses are dealing with during the covid crises. You as a board should do everything in your power to help businesses grow and prosper in Madison county.

If you have any questions you can call my cell 618-806-6341

Sincerely,

Michael Dudley
Owner of 763 Ridge Ln. East Alton, IL