

**CITY OF BELLEVILLE, ILLINOIS**  
**ZONING BOARD OF APPEALS MEETING MINUTES**  
**May 26, 2016**

**Members:**

Rebecca Boyer	Present
Tim Price	Present
Don Rockwell	Excused
Patrick Sullivan	Present
Toni Toggias	Present
Steven Zimmerman	Excused
Dan Nollman, Chairman	Excused

**Staff present:** Annissa McCaskill, Director of Economic Development, Planning & Zoning  
 Kari Tutza, Administrative Assistant of Economic Development, Planning & Zoning  
 Brian Flynn, Assistant City Attorney

<b>Present:</b>		<b>Present:</b>	
Alderman Joe Hazel	Yes	Alderman Ken Kinsella	No
Alderman Mike Buettner	Yes	Alderman Jane Pusa	No
Alderman Scott Tyler	No	Alderman Kent Randle	No
Alderman Raffi Ovian	No	Alderman Johnnie Anthony	No
Alderman Ed Dintelman	No	Alderman Phillip Silsby	No
Alderman Paul Seibert	No	Alderman Bob White	No
Alderman Phil Elmore	No	Alderman Trent Galetti	No
Alderman Roger Wigginton	Yes	Alderman James Musgrove	No

**Public present:**

The meeting was called to order at 7:00 p.m. by Acting Chairman Sullivan. Roll called, quorum declared.

Acting Chairman Sullivan noted that all Zoning Board cases heard at this meeting will be considered at the June 6, 2016 City Council meeting.

Acting Chairman Sullivan asked if there were any corrections to be noted for the April 28, 2016 Zoning Board of Appeals meeting minutes. No corrections were made hence the minutes were approved by the Board.

Acting Chairman Sullivan explained the emergency procedures if needed.

The following cases were heard:

- **19-May16 - Jesse Trent/Quality Home Furnishings** - A request for a Sign Installation for Area of Special Control in order to place one (1) 10' x 4' flush mounted sign and one (1) sandwich board sign at 22 East Main St. (Parcel: 08-21.0-445-017,...018) located in a "C-2" Heavy Commercial District. (Applicable Section of the zoning code: 53-4-1.) Ward 6

Jesse Trent, business owner, explained the request stating that he would like to place one vinyl sign and one sandwich board to advertise the business.

Annissa McCaskill noted that the applicant requested two sandwich boards but has decided to request one sandwich board instead. Ms. McCaskill also stated that the allowable square footage for the flush mounted sign is 31.5 square feet.

The Board asked about the decorative detail on the front of the building. Mr. Trent stated that the requested sign would cover the decorative detail.

Alderman Wigginton asked City staff for clarification on regulations for sandwich board signs; Ms. McCaskill read aloud the requirements.

With no further discussion by the Board, Acting Chairman Sullivan asked for a motion.

**A motion was made by Rebecca Boyer to APPROVE the request with the following stipulations: (1.) The flush mounted sign must be smaller than 31.5 square feet. (2.) The flush mounted sign must not cover the decorative detail on the front of the building. It was seconded by Toni Togias. All members present voted in the affirmative, save Acting Chairman Sullivan. The motion failed to carry due to a lack of a consensus. Four votes are needed in order to move forward with a recommendation. There is no recommendation by the Board.**

- **20-May16 - Afton Shambro** – A request for a Special Use permit in order to utilize the property as a multi-family residence at 2437 Eastview Dr. (Parcel: 08-14.0-316-003) located in a "C-2" Heavy Commercial District. (Applicable Section of the zoning code: 60-6-50.) Ward 1

Afton Shambro, applicant and property owner explained the request stating that she had the building built as a duplex in the 1980's. She used one side as a hair salon for over thirty years but she has retired now. The other side has always been used as a residence. She is requesting that both sides be used as residences now that she has retired the hair salon.

Carol Wilson, Belle City Kennel Club, spoke in opposition to the request stating her concerns of the possibility of the duplex being torn down in the future to be rebuilt as an apartment and her parking concerns.

Robert Hilgenbrink, Belle City Kennel Club, spoke in opposition to the request stating his concerns of more multi-family residences in that area.

Mr. Flynn and Ms. McCaskill stated that the applicant is not rezoning the property but asking for a Special Use permit and explained the factors of the request.

Alderman Hazel stated that he had not heard any opposition from his constituents on this request. He said that the applicant is not asking to rezone the property but requesting a Special Use permit. The building was originally built as a duplex and that is what the applicant is asking for it to be used as.

Ms. Shambro stated that her building is an asset to the neighborhood, she cleans the litter and debris from the streets daily, she maintains the property very well, and there are numerous apartment buildings on this same street; hers is simply a duplex with plenty of parking.

With no further discussion by the Board, Acting Chairman Sullivan asked for a motion.

**A motion was made by Rebecca Boyer to APPROVE the request in the name of the applicant only. It was seconded by Tim Price. All members present voted in the affirmative. The motion carried 4-0.**

- **21-May16 - Panera, LLC** – A request for a Special Use permit for outdoor seating and dining for **Panera Bread** restaurant at 5801 Belleville Crossing (Parcel: 08-19.0-102-003) located in a "C-2" Heavy Commercial District. (Applicable Section of the zoning code: 53-4-1.) Ward 8

Brian Barnard, representative of Panera, LLC explained the request stating that the building will be a stand-alone structure with a drive through and outdoor seating.

Mr. Barnard briefly explained the plans of landscape, buffer areas, and parking.

Alderman Wigginton spoke in favor of the new restaurant, asked for a timeline of construction, and what Panera has decided to do with the downtown location. Mr. Barnard stated that they would like to break ground in July for the new construction, finishing by November or December 2016 and he didn't have a definite answer regarding the future of the downtown location with the lease still active.

With no further discussion by the Board, Acting Chairman Sullivan asked for a motion.

**A motion was made by Rebecca Boyer to APPROVE the request. It was seconded by Tim Price. All members present voted in the affirmative. The motion carried 4-0.**

- **22-May16 - Jerell Hall** - A request for a Use variance in order to allow storage of a commercial vehicle associated with a Home Occupation at the residence of 7308 Foley Dr. (Parcel: 07-01.0-312-014) located in an "A-2" Two-Family Residence District. [Applicable Section of the zoning code: 60-6-18; 60-7-5(E)(3)] Ward 8

Jerell Hall, applicant, explained the request stating that he uses the tow truck for his home business so he doesn't have to get his truck in another city every time he needs to use it. He stated that the truck being housed at the residence is temporary but he doesn't have a timeline of when he would be able to move it to a tow yard. He stated that there is plenty of room for other cars to move about freely.

Acting Chairman Sullivan read aloud a petition against the request.

Acting Chairman Sullivan read aloud a petition in favor of the request and asked Mr. Hall about the signatures in reference to the subject property. Mr. Hall stated that not all the signatures are from neighbors, but friends and family that support his occupation.

Kenny Easterly spoke in opposition to the request stating that the vehicle is unsightly.

Alderman Wigginton stated that he has heard many concerns regarding this request. He also asked City staff about the ordinance regarding the parking of commercial vehicles at a residence. Ms. McCaskill stated that Mr. Hall has a Home Occupation to conduct paperwork for his business at the residence and she read aloud the Home Occupation rules.

With no further discussion by the Board, Acting Chairman Sullivan asked for a motion.

**A motion was made by Rebecca Boyer to DENY the request. It was seconded by Toni Togias. All members present voted in the affirmative. The motion carried 4-0.**

- **23-May16 - Eric Wuebbels** - A request to Rezone the property at 300 Lebanon Ave. (Parcel: 08-22.0-117-001) from "A-2" Two-Family Residence District to "C-2" Heavy Commercial District. (Applicable Section of the zoning code: 60-6-15 through 60-6-19 and 60-6-47 through 60-6-52.) Ward 1

Eric Wuebbels, property owner, explained the request stating that he would like to rezone the property so each time a new commercial tenant wants to use the space, they wouldn't need to ask for a variance. It does not have a residential bathroom and has plenty of parking for a small business.

Brad Eilering, Douglas Hill Neighborhood Watch, spoke in opposition to the request stating his concerns with the potential use of the property.

Don Scherpe spoke in opposition to the request stating that there aren't many commercial businesses in the area anymore.

Gary Wharton spoke in opposition to the request stating that the neighbors would like to have control over what operates at the site.

Alderman Buettner stated that he realizes that it would be easier for the property owner to rezone the property but he has some concerns. He listed the commercial businesses in the immediate area but said there are a lot of a single-family homes as well. He stated his concerns with changing the character of the neighborhood and the property values. He favored the idea of giving the residents control over what operates at the site. He asked the Board to vote in opposition to the request.

Ms. McCaskill explained the definition of "neighborhood commercial" in regards to the Comprehensive Plan.

Alderman Hazel stated that he was not speaking in favor or against the request and he'd like to save his vote for the City Council meeting on June 6. He read aloud a statement regarding the City's square footage requirement and asked about the residence (mobile home) on the lot as well.

Mr. Wuebbels explained the history and layout of the property in regards to the residence and commercial building.

Ms. McCaskill briefly explained the requirements for residential and commercial properties.

With no further discussion by the Board, Acting Chairman Sullivan asked for a motion.

**A motion was made by Rebecca Boyer to APPROVE the request. It was seconded by Toni Togias. All members present voted in the affirmative. The motion carried 4-0.**

- **24-May16 - Liese Lumber** - A request for a Sign Installation for Area of Special Control in order to place one (1) 18' x 2' flush mounted sign at 319 East Main St. (Parcel: 08-22.0-335-015) located in a "C-2" Heavy Commercial District. (Applicable Section of the zoning code: 53-4-1.) Ward 2

Mike Lippert, representative of Liese Lumber, explained the placement and materials to be used for the requested signage.

Alderman Buettner asked for the dimensions of the sign and if it met the City's sign requirements; Ms. McCaskill referred to the applicant's submitted measurements and noted that the applicant is within the City's sign code regulations.

With no further discussion by the Board, Acting Chairman Sullivan asked for a motion.

**A motion was made by Rebecca Boyer to APPROVE the request. It was seconded by Toni Togias. All members present voted in the affirmative. The motion carried 4-0.**

Rebecca Boyer made a motion to ADJOURN, which was seconded by Toni Togias. All members present voted aye. Acting Chairman Sullivan adjourned the meeting at 7:55 p. m.

Respectfully submitted,  
Kari L. Tutza,  
Economic Development, Planning & Zoning Department