

CITY OF BELLEVILLE, ILLINOIS
ZONING BOARD OF APPEALS MEETING MINUTES
October 27, 2016

Members:

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

Staff present: Annissa McCaskill, Economic Development, Planning & Zoning Director
 Kari Tutza, Economic Development, Planning & Zoning Dept.
 Mathew Chandler, Planner/GIS Coordinator
 Brian Flynn, Assistant City Attorney

Present:		Present:	
Alderman Joe Hazel	No	Alderman Ken Kinsella	No
Alderman Mike Buettner	No	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	Yes	Alderman Bob White	No
Alderman Phil Elmore	No	Alderman Trent Galetti	No
Alderman Roger Wigginton	No	Alderman James Musgrove	No

Public present:

Tammie Daesch, Debra Price, Janice Wohlrob, Jacqueline Mitchell, Victoria Whittow, Darius Thompson, David Zahn, James Heckenberger, Annette Patterson, Shantel Lewis, Janice Lewis, Lovell Lewis, Mark Dulle, Elaine Hanrad, Trent Galetti, Alderman-Ward 7

The Zoning Board of Appeals meeting was held at Lindenwood University, 2600 West Main St., Alan J. Dixon building at 7:00 p.m. on October 27, 2016.

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

Chairman Nollman noted that all Zoning Board cases heard at this meeting will be considered at the November 7, 2016 City Council meeting.

Chairman Nollman asked if there were any corrections to be noted for the September 22, 2016 Zoning Board of Appeals meeting minutes. No corrections were made hence the minutes were approved by the Board.

Chairman Nollman explained the emergency procedures if needed.

 The following cases were heard:

- **35-OCT16 - JACQUELINE MITCHELL** - A request for a Use Variance in order to operate a child daycare as a Home Occupation at 1302 State Street Road (Parcel number: 08-28.0-410-021) located in an "A-1" Single Family Residence Zoning District. (Applicable portion of zoning code: 60-6-4, 60-7-5.) Ward 5

Jacqueline Mitchell explained the request stating that she is licensed for child care in the state of Illinois for twenty (20) children in a twenty-four hour period. She is choosing to have eight (8) children in her care at one time. There will be two full-time and one part-time staff members employed. Ms. Mitchell is one of the full-time employees. Hours of operation are 6:00am-10:00pm.

The parking of parents (clients) and employees was discussed. Ms. Mitchell stated that her parents and employees park in her driveway. Ms. Mitchell stated that Department of Child & Family Services (DCFS) instructed her to have her parents sign a form discussing lake safety.

There is no outside play equipment but the children do often go outside to play in the rear of the property. The Board asked about fencing; Ms. Mitchell stated that she doesn't have a fence but will install one if the Council sees fit.

~~Those who spoke in support regarding the request:~~

Shabrina Blake - Ms. Blake spoke in support of the request stating she would like to remain a client.

Cindy Dietrich - Ms. Dietrich, adjacent neighbor, has never seen the children near the lake and she thinks it's a good business.

Cathy Bunch - Ms. Bunch spoke in support of the request stating she would like to remain a client.

Ken Harpsen - Ms. Harpsen is the property owner and spoke in support of the request.

Darius Thompson - Mr. Thompson spoke in support of the request stating he would like to remain a client.

Erin Star - Ms. Star spoke in support of the request stating she would like to remain a client.

~~Those who had concerns or inquiries regarding the request:~~

David Zahn - Belleville Firefighter Zahn spoke on safety concerns with the parking, lake, fencing, and high traffic street.

Robert Walhrob - Mr. Walhrob spoke on safety concerns with the parking, lake, and high traffic street. He stated that it shouldn't be approved unless a fence is installed.

Ms. Mitchell stated that she will install a fence if need be. She said that her parents are not parking on the street for any length of time and she will ask them to park in the driveway. She also stated that DCFS told her to ask her parents to hold their children in their arms or their hands while walking them inside the home regarding the lake and traffic safety.

With no further discussion, Chairman Nollman asked for a motion.

A motion was made by Steve Zimmermann to APPROVE the request with the following stipulations: (1.) Prior to receiving a Certificate of Business Occupancy from the City, the Petitioner must provide a copy of her State License to operate a day care center. (2.) Any restrictions to said licensure will automatically be conditions of approval of the variance. Loss of State License will result in rescinding of the Certificate of Business Occupancy. (3.) Limitation of play activities by clients to the grassed area in the rear and East side lot of the property and fencing of said area to promote safety due to the proximity to both a low-to-moderate capacity road and Stolberg Lake. (4.) With a maximum of eight (8) children present at a time on the property. It was seconded by Rebecca Boyer. All members present voted in the affirmative. The motion carried. 5-1.

- **36-OCT16 - LOVELL LEWIS** - A request for a Use variance in order to operate a church at 631 Mascoutah Ave. (Parcel: 08-27.0-211-029) located in an "A-1" Single Family Residence Zoning District. (Applicable portion of zoning code: 60-6-4, 60-12-24.) Ward 6

Mr. Lewis explained the request stating that he realizes the property is small but so is the congregation. He plans on moving to a larger facility once the congregation grows.

The parking was discussed. He noted that there are ten (10) parishioners. He stated that the property is suitable for their needs right now. There is street parking on McKinley on one side.

Hours of operation are Sunday 9:45am for Bible school and 10:30am is church service, Wednesday is Bible study at 6:00pm. There will only be pre-recorded music used and it's inside the building. Mr. Lewis doesn't plan on any outside events other than to reach out to the community to meet the neighbors.

They will be renovating the building with approval of the variance request.

~~Those who spoke in support of the request:~~

Janice Lewis - Ms. Lewis is the wife of the applicant and spoke in support of the request.

Shantel Lewis - Ms. Lewis is the daughter of the applicant and spoke in support of the request.

~~Those who had concerns or inquiries regarding the request:~~

Joe Sternau - Mr. Sternau spoke on parking and safety concerns. He stated that there are better suited buildings in the city for the use of a church.

Tammy Daesch - Ms. Daesch spoke on parking, high traffic, and safety concerns.

James Heckenberger - Mr. Heckenberger spoke on parking and safety concerns. He noted the issues of parking when it was a tavern.

Cindy Kubachek - Ms. Kubachek spoke on the parking, high traffic, and safety concerns. She noted the issues of parking and trash when it was a tavern. She noted that the previous yoga gym wasn't an issue because there were only a couple cars parked there at any one time.

Alderman Seibert spoke on his concerns of parking, high traffic, and safety. He will not support the request at City Council.

Ms. McCaskill stated that Alderman White could not be present at the meeting, but noted the same concerns as Alderman Seibert.

Mr. Lewis stated that the previous businesses used street parking. He stated that the neighborhood welcomed the gym when it was there, and read aloud a comment from the property owner stating that her yoga business used on street parking. He will encourage carpooling as well.

With no further discussion, Chairman Nollman asked for a motion.

A motion was made by Don Rockwell to APPROVE the request. It failed to pass for lack of a second motion.

A motion was made by Rebecca Boyer to DENY the request. It was seconded by Tim Price. Voting went as follows: Rebecca Boyer-aye, Tim Price-aye, Don Rockwell-nay, Patrick Sullivan-aye, Steve Zimmermann-aye, Chairman Nollman-nay. The motion carried 4-2.

- **37-OCT16 - TIM MEEKS** - A request for a Sign Installation permit in the Area of Special Control in order to place two vinyl window graphics and one flush mounted metal sign at 18 East Main St. (Parcel: 08-21.0-445-013) located in a "C-2" Heavy Commercial Zoning District. (Applicable portion of the zoning code: 53-4-1 and 53-4-8.) Ward 6

Mr. Meeks explained the request stating he would like to place a dropdown light over the large sign. Ms. McCaskill reminded the applicant to contact the Building department for the installation changes regarding the new light.

~~Those who spoke in support of the request:~~

Steve Hemmer - Mr. Hemmer is the property owner and spoke in support of the request stating that he is excited for the new business coming downtown.

With no further discussion, Chairman Nollman asked for a motion.

A motion was made by Rebecca Boyer to APPROVE the request. It was seconded by Patrick Sullivan. All members present voted in the affirmative. The motion carried. 6-0.

- **38-OCT16 - PAUL COLVIN** - A request for a Special Use Permit in order to operate a storage and workplace facility at 12 S. 12th St. (Parcel: 08-27.0-320-001, 002) located in a "C-2" Heavy Commercial Zoning District. (Applicable portion of zoning code: 60-6-49, 60-6-50.) Ward 6

Mr. Colvin explained the request stating that his business is Top Notch Removal, a refuse disposal business. The containers at the property will not have trash in them; they are emptied at a dump off site. He would like to use the property as an office as well, but noted that electric and water must be installed first.

The property is secluded and fenced in. He would like to have security lighting installed in the future. There will be limited truck traffic at the property. Hours of operation will be 5:00am - 4:00pm.

~~Those who spoke in support regarding the request:~~

Elaine Hanradt - Ms. Hanradt, adjacent neighbor, spoke in support of the request. She doesn't foresee any issues with the business because it is so secluded by the woods.

Courtney Marsh - Ms. Marsh is the property manager and spoke in support of the request.

Tracy Kelly - Ms. Kelly is the property owner and spoke in support of the request.

A motion was made by Patrick Sullivan to APPROVE the request with the following stipulations: (1.) Proper utilities should be put in place and subject to inspection prior to occupying the space. (2.) Since this use is more closely related to that of an industrial park, we recommend that they follow the requirement that all storage be contained within the structure. Whenever temporary, open storage of any type of material, goods, equipment or supplies is necessary, such open storage shall be contained within a fenced area at least six (6) feet in height, and so constructed to prevent the storage items from being seen from any public road. It was seconded by Steve Zimmermann. All members present voted in the affirmative. The motion carried. 6-0.

Patrick Sullivan made a motion to ADJOURN, which was seconded by Rebecca Boyer. All members present voted aye. Chairman Nollman adjourned the meeting at 8:04 p. m.

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