

## **Monroe County Board of Appeals March 15, 2023**

The Monroe County Zoning Board of Appeals met March 15, 2023, in the Monroe County Court House, Waterloo, Illinois, with the following members present: Vicki Taake, Mike Kovarik, Dennis Rodenberg, George Obernagel, and Russell Gregson. Also, present: Chris Voelker and Laura Kipping.

Dennis Rodenberg opened the Public Hearing concerning Derrick and Deidre Gregson who is requesting a Petition for Area/Bulk Variance to reduce the front setback to 24 feet to build a grain bin. The property is located at 4415 State Route 159, Red Bud, Illinois. Parcel #12-28-300-001. The present zone classification is A-1.

Denise Marshall read the Letter of Intent from the February Commission Meeting

Documents Reviewed:

1. Letter of Intent:

This letter is in response to the notice from your office dated November 21, 2022 regarding a complaint about the erection of grain bins constructed on property located at 4526 State Route 159 in Red Bud. (Parcel #12-28-300-001)

At some point before building the bins, I (Derrick) questioned Chris Voelker about a foundation inspection for grain bins and he stated that was not necessary, but he did tell me to obtain a building permit, which we subsequently failed to accomplish.

We purchased the property, which is located across the street from our current residence, in September of 2021. At the time we purchased it, there were no existing structures other than a rock foundation from a barn that was once there. The barn was tore down somewhere between 2012- 2014.

The ground where we put the grain bins is not tillable because the area was full of rock and debris from the previous barn, so we thought that would be the best location for the bins since there was once a structure there anyway.

There is also an existing stone well approximately 170 feet from the edge of Route 159. We didn't want to put the bins near this 40', hand-dug well.

As you can see in the drawing, a lot of factors played into why the bins were put in this place. You can see that the surrounding area is tillable farm ground. Also, there is an old cistern, and two walnut trees that the previous owners spread their uncle's ashes, and a well house. So, without completely disrupting the current state of the area, we needed an area with enough space to be able to haul grain in and out while still salvaging as much tillable land as

we could. Thus, we chose to (unfortunately) put the bins where we did. Because of the prior set up, this immediate area was no longer tillable.

2. Health Department: no comment
3. Soil and Water Conservation Report: No comment
4. Effect on Comprehensive Plan: Minimal
5. Effect proposal would have on health, welfare, safety, morals & comfort of surrounding area: Minimal
6. Effect on schools, traffic, streets, shopping, public utilities and adjacent properties: Aaron Metzger reports that IDOT stated the proposed structure is off the IL Route 159 right of way so they really have no concern. When asked about future projects to widen IL Rte. 159, they said they know of none.
7. Present Use of Property: Agriculture

Motion by Dan Davis, Second Laurie Brown to recommend that a front setback variance of 24-foot be granted to Derrick & Deidre Gregson for a grain bin located on parcel 12-28-300-001 with the understanding that if it ever becomes an issue with the state, it would be on the applicant to move the grain bin. Yes – 8 No – 0. Motion passed.

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Dennis Rodenbeg sworn in those wishing to speak.

- Deidre Gregson – Admit to full negligence for not getting the permit in the first place. Was not the intent to not follow the rules. Like the letter said, put the grain bins there because it was not tillable.
- Mike Kovarik – Do we need to put it in the variance, that if the state ends up having a problem with it, they will have to move the bin.
- Chris Voelker – Yes. The state at some point got additional right a-way.

No further questions

Motion by Mike Kovarik, second George Obernagel to grant Derrick & Deidre Gregson an Area/Bulk Variance for a grain bin located on parcel 12-28-300-001 with the understanding that if it ever becomes an issue with the state, it would be on the applicant to move the grain bin. The property is located at 4415 State Route 159, Red Bud, Illinois. Parcel #12-28-300-001. The present zone classification is A-1. Yes – 5, No – 0. Motion Passed.

Dennis Rodenberg opened the Public Hearing to review the compliance of the Special Use Exception issued to Frances Gruber on October 11, 2006. The property is located at 5329 Sportsman Road, Waterloo. Parcel #11-20-400-005 and is zoned A-1.

Sworn in those wishing to speak

- Chris Voelker –Has evicted a few people. There are still 4 trailers that need to be moved. One that is questionable because it came in November. One deck is still there because he wants to use it as a dock. There is some debris and trash.
- Jay Huetsch – Can't start the eviction because of the lease. Would like to address other issues. Permanent residence should not be out there. He got rid of the permanent residence. The question is what is permanent. Can give temporary occupancy permits for up to a year. Would want to see it amendment. Look at the list that Chris provided. In this case the Campground Licensing and Recreational Area Act (210 ILCS 95/1) applies.
- Ryan Webb – For the board's perspective. Looked at the code and there may be some issues with definitions. Camps are related to a temporary shelter. Looked at the original special use which was for 3 years. Tonight's meeting is if the permanent residence is an issue. The fact that we've learned that there are leases, means permanent.
- Jay Huetsch – The statute does apply with what is going on out there. He is licensed through the state. Read the definition of camping within the statute. They are asking for the trailers to be moved, camping does allow permanent structures. You can have cabins, trailers, tents, etc. You can camp in a cabin, just can't live there permanently. Three months is not a problem, but moving the fifth wheel can be a problem. If people don't have the appropriate vehicle to move the fifth wheel.
- Ryan Webb – Recreational vehicles and fifth wheels. There are other people who have brought in their property and placed it on Gruber's property.
- Jay Huetsch – Has heard about the types of people and the problems are there. One man lives in Columbia has a property there with a deck and goes there a couple times a year. Looked at the police reports. Most are about two people that were suicidal. Half of the visits were people you find everywhere. Would like to see – no problem with the duration, wants to follow the Campground Licensing and Recreational Area Act and it is the group that licenses him. They come out yearly to inspect. Would like to allow the campers to stay. Require the client to keep a log of the people coming and going. When people aren't there required his client to have access to the property. He checks on the properties. Enforce permits if anything is added on to the structures. Enforce the criminal code if there is illegal activity. Wondered why we are here to begin with. Could've been resolved with a letter to his client.
- Dennis Rodenberg – Aren't the leases a permanent thing?
- Jay Huetsch – It's called a request for rental. They pay at the beginning of the month.
- Dennis Rodenberg – How long is the lease for?
- Jay Huetsch – Month to month. There are only two people left that have a structure. Everyone else has left.

- Mike Kovarik – Is it possible to have a seasonal shutdown for some amount of time?
- Jay Huetsch – People come through for weekends through the winter. Solution can be to have them produce a log.
- Russell Gregson – Don't have a problem with the people that are there for a couple months. It's the people who have permanent structures and live there. If you thought you were going to move every six months you wouldn't build anything.
- Jay Huetsch – If you go there a couple times a month or a couple times a year you would want to make it nice.
- Ryan Webb – The original special use was for fishing, camping, etc. It was not listed as a travel trailer park. There is nothing in the meaning of camping about recreational vehicles. Building and zoning has an issue with it being used as a travel trailer park. The reference in the code is incorrect based on the statute provided tonight.
- Jay Huetsch – Doesn't want to argue if it is a travel trailer park or for camping.
- Ryan Webb – In this case it is a special use permit.
- Chris Voelker – It is year-round, but they don't leave.
- Jay Huetsch – The goal here is to make sure the people don't stay there permanently.
- Chris Voelker – There was nothing in the original letter of intent of cabins, nor building permits.
- Jay Huetsch – Cabins fall in camping.
- Dennis Rodenberg – Are the cabins attached to the property?
- Mike Kovarik – Would the travel trailers be taxed if they never moved and aren't licensed.
- Ryan Webb – Question is if it is a mobile home park.
- George Obernagel – It is not a mobile home district
- Jay Huetsch – Not looking for a mobile home park, just want parking.
- Dennis Rodenberg – The camping is not the issue, they became permanent.
- George Obernagel – There are two. Going to have to give them 30 days.
- Vicki Taake – How many have been moved?
- Jay Huetsch – It has destroyed his camping ground. Some of the people moved went down there twice a year.
- Ryan Webb – Defined mobile home park. Might become a question of how many recreational vehicles are being used as residence.
- Chris Voelker – Counted four that need to be moved.
- Frances Gruber – One left today. There are now three.
- Chris Voelker – One of the four is a horse trailer that has the living quarters.
- Frances Gruber – He hasn't been there for six months.
- George Obernagel – How are we going to resolve this?
- Ryan Webb – Can put conditions on the special used that is deemed necessary? Jay offered suggestions if the board wants to continue with the special use.
- Mike Kovarik – Would like to see a seasonal shut down to avoid people living there permanently.

- Jay Huetsch – Some people may travel at Christmas. Would suggest January to mid-February. Applauds the effort, would like to see the log that Chris can check.
- George Obernagel – Can we set a time limit with the log? Something like they can be out there for 30 days.
- Jay Huetsch – Has no problem with 30 days. Doesn't have a problem with the duration. Just has a problem with the fifth wheels.
- Ryan Webb – Need to put the condition that there has to be four or less. Otherwise it becomes a trailer park.
- Mike Kovarik – What about 30 days on and 7 days off.
- Jay Huetsch – Doesn't have a problem with that. 30 days will resolve the problem people.
- Chris Voelker – Are you comfortable with the 30 days, like the traveling nurses.
- Annette Gruber – That is what I was going to ask.
- Dennis Rodenberg – The nurses are going to take their trailers with them. Can we put a condition that if there is a special case like with nurses, that they can stay there?
- Ryan Webb – Yes, they would have to come to Chris to ask for an extension. It would be subject to Chris's review.
- George Obernagel – Is the 90 days ok?
- Jay Huetsch – They could stay for 30 days and then come in and ask for an extension.
- Dennis Rodenberg – Do you feel that the log is cumbersome or ok?
- Ryan Webb – It adds something to Chris's plate. It should be a special use that is spelled out. Requiring him to go check every month, is not realistic.
- Dennis Rodenberg – What would be wrong with someone from zoning to go out there every 30-45 days to inspect?
- Chris Voelker – We could, but would do the log too.
- Jay Huetsch – My client would have to keep the log accurate. Just looking for an option for to ensure people aren't living out there.

Motion George Obernagel, second Russell Gregson to amend the special use permit issued to Frances and Annette Gruber to provide for the following restrictions on the operation of the special us:

- No individual shall be permitted to spend more than 30 continuous days on site;
- No more that four movable trailers shall be kept on the premises for more than 30 continuous day;
- The four movable trailers kept on property more than 30 continuous days shall be identified by the special use holder and the same shall be designated of provided to Building and Zoning;
- With prior approval and at the discretion of Building and Zoning, individuals renting campground pursuant to an occupational opportunity may rent campground for an extended period of not more than 90 days;

- Special Use holders shall keep a log of all individuals renting campground for each date of calendar for each location on said campground. The log shall be open and available for inspection upon request of Building and Zoning.

Yes – 5, No – 0. Motion passed.

Motion by Mike Kovarik, second Vicki Taake to approve the minutes of February 15, 2023. All aye by voice vote.

Motion by Vicki Taake , second Mike Kovarik to adjourn. All aye by voice vote.

Next meeting – April 5, 2023 – 7:30 pm