

Monroe County Board of Appeals April 1, 2024

The Monroe County Zoning Board of Appeals met April 1, 2024, in the Monroe County Court House, Waterloo, Illinois, with the following members present: George Obernagel, Vicki Taake, Mike Kovarik, Russell Gregson, and Brian Coats. Also, present: Chris Voelker, George Green, Eric Sutton, and Laura Kipping.

Ryan Webb opened the meeting. Chairman Dennis Rodenburg stepped down. First order of business is to elect a temporary Chairman. Mike Kovarik motion to elect George Obernagel as the temporary Chairman, second Russell Gregson. Yes- 5, No-0. Motion Passed.

Mike Kovarik motion to elect George Obernagel as the Chairman, second Russell Gregson. Yes – 5, No – 0. Motion Passed.

Russell Gregson nominate Vicki Taake as the secretary, second Brian Coats. Yes – 5, No- 0. Motion Passed.

George Obernagel opened the Public Hearing concerning Allen Schaefer who is requesting an Area/Bulk Variance to reduce the rear setback from the property line for the construction of a garage. The property is located at 5413 State Rt. 156, Waterloo, IL 62298. Parcel #08-32-200-009. The present classification is A2.

Denise Marshall read the letter of intent.

Documents Reviewed:

1. Letter of Intent:

We are requesting a variance for 5413 state route 156 waterloo, IL 62298 for a 10-foot setback instead of 20 feet on the north property line to replace a garage that was a total loss due to a storm on July 29th. We are asking to build our new garage 10 foot off property line like the original one was. We are planning to build a new 30 x 42 to better accommodate our needs of larger vehicles. The new garage will be longer to the east and west and maintain 10 foot off the north property line. If we would move it further off the property line it would be too close to our house to meet code. The location of the original building is the most suitable location to rebuild. The new garage will be constructed as a post in ground pole building just like the old one was.

2. Health Department: no comment

3. Soil and Water Conservation Report: NA

4. Effect on Comprehensive Plan: none

5. Effect proposal would have on health, welfare, safety, morals & comfort of surrounding area: none
 6. Effect on schools, traffic, streets, shopping, public utilities and adjacent properties: none
 7. Present Use of Property: residential
 8. Comments:
 - Dan Davis – Setback from 20’ to 10’ for a garage.
 - Allen Schaefer – Looks like there are some markers there. If it is straight, then thinks he will have more room than he thought.
 - Dan Davis – It is your responsibility to make sure you have the 10’ if it is approved.
 - Allen Schaefer – Will check it closer. The garage was damage in a shed. Going to put the new one in the same place.
 - Chris Voelker – There is are two steel pins. If the pins are anything, then it needs to be less.
 - Carlyle Mueller – According to the legal description the neighbor should have a pin.
 - Chris Voelker – Showed a picture where the pin is and where the proposed building will be.
 - Laurie Brown – Not extending the rear corner
 - Allen Schaefer – Wanting to keep the back wall where it was before.
 - Karin Callis – Can we table it until he is sure?
 - Carlyle Mueller – Yes or we could say 10’. Then he either has to make it 10’ or come back.
 - James Agne – Photograph of the house, is there distance between the two corners?
 - Allen Schaefer – They never touched.
 - Brian Coats – There is a shadow on the photo.
 9. Motion by Dan Davis, second Robert Schlegel to recommend to approve the Area/Bulk Variance by Allen Schaefer to reduce the setback to 10’ off the north boundary line to build a garage. It is the landowner’s responsibility to ensure it is 10’. The property is located at 5413 State Route 156, Waterloo, IL. Parcel #08-32-200-009. Yes –9, No –0. Motion Passed.
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George Obernagel sworn in those wishing to speak.

- Allen Schaefer – Did get the lot surveyed to ensure it is 10’ off the line.
- Russell Gregson – Is it where you thought it would be?
- Allen Schaefer – Part of it.
- Chris Voelker – You can ask for less. So, you can use the existing concrete.
- Allen Schaefer – Would be ok with 6’. I will shoot for 10’.

- Mike Kovarik – Has the neighbors been notified it could be less than 10’.
- Brian Coats – Would be hesitant since the neighbors don’t know.
- Allen Schaefer – Would be ok with 10’.

Motion by Vicki Taake, second Brian Coats to approve the Area/Bulk Variance by Allen Schaefer to reduce the rear setback from the property line for the construction of a garage. It is the landowner’s responsibility to ensure it is 10’. The property is located at 5413 State Rt. 156, Waterloo, IL 62298. Parcel #08-32-200-009. Yes –5, No –0. Motion passed.

George Obernagel opened the Public Hearing concerning James Fitzgibbons who is requesting a Zoning Ordinance Amendment to rezone from A2 (Agriculture) to B2 (Highway Business). The property is located at Kaskaskia Road and State Route 3, Waterloo, IL 62298. Parcel #11-07-400-019. The present zone classification is A2.

Denise Marshall read the letter of intent.

Documents Reviewed:

1. Letter of Intent:

This petition in regards to the above-mentioned property is requesting zoning change from A-2 to B-2. Possible future location for storage building.

2. Health Department: Letter stating no issues with the zoning change. A private sewer system would be required.
3. Soil and Water Conservation Report: provide soil map and Eco Cat.
4. Effect on Comprehensive Plan: B-2 zoning would be in compliance with the Comprehensive plan.
5. Effect proposal would have on health, welfare, safety, morals & comfort of surrounding area: Concern that increase traffic could lead to increase in traffic accidents.
6. Effect on schools, traffic, streets, shopping, public utilities and adjacent properties: Increase in assessment value to benefit school revenues, may require changes to Kaskaskia Road, residential homeowners to the south feel it would have a negative effect on their quiet neighbor.
7. Present Use of Property: Agricultural.
8. Comments:
 - Dan Davis – Request for a rezoning by James Fitzgibbons. Currently zoned A2 to B2.
 - James Fitzgibbons – Bought the property in November.

- Dan Davis – Showed on the zoning map. Is there water, electric, and telephone?
- James Fitzgibbons – Yes, there is everything but sewer.
- Carlyle Mueller – He wants to go to B2. Listed the possible uses in a B2. Could be done as a B1 with a Special Use.
- Brian Coats – The Comprehensive Plan is marked for commercial and industrial.
- Chris Voelker – It falls in the Comprehensive Plan, so just need to decide if it is appropriate to rezone.
- Shawn Goldsmith – Concern with it being commercial storage, does not think it is a good idea. It is Route 3, there is a high traffic flow. That spot is good to put something, but not storage units.
- Clay Moehrs – Lives on G Road. Where will the entrance be? Will the access be Route 3 or Kaskaskia?
- Dan Davis – If it is on Route 3, the State has to approve. Kaskaskia the County has to approve.
- Clay Moehrs – By rezoning that, you are rezoning G Road, does that set precedent?
- Dan Davis – The Comprehensive Plan was to keep Route 3 commercial and industrial.
- Brian Coats – In the Comprehensive Plan, G Road is residential.
- Chris Voelker – If rezoned he may have to make improvements.
- Aaron Metzger – If he develops it, he would have to widen G Road.
- Tim Huelsman – Lives on G Road. Did not give a clear indication what he wants to put on the property. Going to have to go to Kaskaskia Road because there is a drop from the road and the farmland. It should just stay farmland. You can't see.
- Shawn Goldsmith – The farmer only plants beans and believes he does that out of respect so people can see.
- Tim Buckley – B2 has so many options. We don't need any more taverns. It is a vast list. He can put anything there and that intersection is hard to pull out on.
- Jane Kolmer – Is there a reason we don't need a traffic study? Once we change the zoning he can do anything.
- Aaron Metzger – We have done two planning commission. One the Planning Commission was required and the other was required.
- Jane Kolmer – Once we change the zoning, we really don't have any control.
- Aaron Metzger – The County controls the entrances on Kaskaskia and G Road. IDOT controls Route 3.
- Chris Voelker – His buildings would have to be 105' off the center line of Route 3.
- Mike Henry – Property right next to it. They are always replacing the stop sign. There are always accidents there. The entrance couldn't go off of Kaskaskia, the ground is too low. It would have to go off of Route 3 or G Road. Just about anything could go up next to my property if it goes through.
- Shawn Goldsmith – Likes growth, but there is high traffic there. He moved back home out of the city to be in the county and see green grass and not concrete. We need slow thoughtful growth. It is about keeping the country country.

- Dave Dudley – Lives out in Burksville. Has anyone looked at a car count by where he wants to put this? Years ago, it was 15,000 cars a day. There needs to be a stoplight there.
 - Dan Davis – The state has been adamant that they won't put a light there.
 - Aaron Metzger – There is data, but a lot of the accidents do not get reported.
 - Carlyle Mueller – If it gets rezoned and he puts in storage units, the traffic would be less than if it was zoned residential.
 - Dan Davis – He is not locked in on what he wants to put there.
 - Jane Kolmer – That whole corridor was supposed to be business. There are a lot of businesses already out there. At what point do they reassess the speed limit.
 - Dan Davis- The state does that.
 - George Green – What is it zoned right now?
 - Brian Coats – Right now it is zoned A2. In the Comprehensive Plan it is commercial and industrial.
 - Tim Huelsman – There is a big drain there. Also worried about the wild life. He knows what is going to go on and Mr. Fitzgibbons won't tell them. Makes him nervous.
 - Dave Glosecki – Looked up the traffic counts. 10,000 on Route 3, 7,500 on Kaskaskia Road, and 300 G Road.
 - Brian Coats – When I heard the traffic counts, this is why this is a good place for growth and the Comprehensive Plan made that decision.
9. Motion by Dan Davis, second Brian Coats to recommend to approve the Zoning Ordinance Amendment by James Fitzgibbons to rezone from A2 to B2. The property is located at Kaskaskia Road and Route 3, Waterloo, IL. Parcel #11-07-400-019. Yes –8, No –1. Motion Passed.

George Obernagel sworn in those wishing to speak.

- James Fitzgibbons – Has no other comments.
- Mike Kovarik – Possible access to Kaskaskia, Route 3, and G Road.
- James Fitzgibbons – Probably using Kaskaskia
- Mike Kovarik – Wanted to bring it up that there is a possible plan with that corridor.
- Aaron Metzger – Met with Mr. Fitzgibbons and showed in the plan, that would keep buildings out of that right-a-way. Drafted some documents. Few things that need to be tweaked with him and the State's Attorney.
- Brian Coats – We need to word it that it needs to be contingent.
- Ryan Webb – Does not need to be in place tonight because it still has to go to the Commissioners.
- George Obernagel – Thought the REA already gave some easements.
- Ryan Webb – Have not found that, but still looking.
- Aaron Metzger – There are easements on the other side of the highway.

- Tim Buckley – Question about the rules. Is there supposed to be a sign up prior to the meeting? There was no sign up for this meeting or the one that was canceled.
- Ryan Webb – Posting requirement is that it is posted two weeks prior. As long as it was posted for two weeks and the notices went out to the adjacent landowners.
- George Obernagel- So all of the requirements have been met.
- Chris Voelker – Yes.

Motion by Mike Kovarik, second Russell Gregson to approve the Zoning Ordinance Amendment by James Fitzgibbons to rezone from A2 to B2. The property is located at Kaskaskia Road and Route 3, Waterloo, IL. Parcel #11-07-400-019. Yes – 4, No –0, Abstain - 1. Motion passed.

George Obernagel opened the Public Hearing concerning Joseph Foutch and Samantha Ratterman (JSHC Enterprises, LLC) who are requesting a Special Use Exception to operate a used motor vehicle sales dealership. The property is located at 1165 S Market St., Waterloo, IL 62298. Parcel #07-36-400-002. The present classification is A2.

Denise Marshall read the letter of intent.

Documents Reviewed:

1. Letter of Intent:

JSHC Enterprises LLC. is submitting this letter of intent to apply for a Special Use Permit to establish an automotive company/sale (Twelve 09). The facility will be located at 1165 S Market St. Waterloo, IL 62298.

The Facility will house a local automotive company. The services will include: Retail sales of cars, trucks, tractors, UTV's, golf carts and trailers. Towing and transportation.

The facility will work closely in Monroe County and surrounding communities to strive for excellence.

I Joseph Foutch will be available to respond to questions regarding the application. I can be reached at (618) 920-1650 or by email at jshcenterprisesllc@gmail.com

2. Health Department: No comment

3. Soil and Water Conservation Report: No comment

4. Effect on Comprehensive Plan: Plan is for residential and business to the south. Waterloo is I-1 and business to east

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: Could be impacted by Waterloo High School traffic.
7. Present Use of Property: residential with Special Use for indoor batting cage. Batting cage no longer in use.
8. Comments:
 - Dan Davis – Special Use on an A-2 zoning.
 - Joseph Foutch – Don't have a purchase contract on the current ownership.
 - Dan Davis – If we recommend to approve we would need that.
 - Dan Davis – Property is located down by Waterloo High School. It is a one-acre lot.
 - Joseph Foutch – Own a small auto company in Millstadt. Just moved down here and are looking to move the business on this property.
 - Dan Davis – Do you have any employees?
 - Joseph Foutch – Right now it is just him.
 - Dan Davis – Asking for a home occupation in an A-2.
 - Eric Sutton – This doesn't work with the zoning. It doesn't comply. Asking for a special use is the only option.
 - Brian Coats – Only allowed 1 employee according to the code.
 - Eric Sutton – The board can set the conditions because it doesn't comply.
 - Brian Coats – Probably want to consider that now going through the process.
 - Dan Davis – Mention you will have cars, trailers, UTV's, etc. They will be outside?
 - Joseph Foutch – The majority will be inside, but some will be outside. Normally keep everything inside locked up.
 - Dan Davis – There are a lot of things that he wants to do that we don't allow.
 - Jane Kolmer – There are 8-9 that he doesn't comply with. Why or under what circumstances would we want to consider this?
 - Brian Coats – Why not rezone?
 - Dan Davis – It is only one acre.
 - Brian Coats – So it is a special use with a lot of exceptions.
 - Brian Coats – It is right on Route 3 where we would want to encourage business. It is a consideration.
 - Jane Kolmer – The entrance poses a hazard with the school entrance.
 - Dan Davis – The other car lots on Route 3 don't have a ton of traffic.
 - Jane Kolmer – When getting deliveries at the time of school traffic might be a problem.
 - Joseph Foutch – He transports the cars himself. Does not use the big trucks.
 - Karin Callis – The cars you would be selling would be outside.
 - Joseph Foutch – Try to stock the majority of inventory inside. They would be outside at time. Some cars do stay outside.
 - Carlyle Mueller – One consideration is that this is a Special Use not a rezone. If he does move it will go away.
 - Brian Coats – Has there been any communication from neighbors.

- Laura Kipping – There are no concerns. Someone called just to see what it was going to be.
 - Dave Glosecki – We did approve a business for the property.
 - Charles Pittman – What is the plan for signage?
 - Joseph Foutch – Wanted to ask what is allowed.
 - Carlyle Mueller – Four square feet is what is allowed.
 - Karin Callis – What does towing and transportation mean in the letter of intent.
 - Joseph Foutch – He owns a tow truck and transports the cars himself.
 - Jane Kolmer – Will there be wrecked cars on the lot.
 - Joseph Foutch – No, doesn't want to look at that.
 - Dan Davis – How many vehicles would be outside the building? ATV's and golf carts outside during seasonal weather.
 - Joseph Foutch – Correct.
9. Motion by Dan Davis, second Laurie Brown to recommend to approve the Special Use Exception by Joseph Foutch and Samantha Ratterman to establish a motor vehicle sales dealership following the outline of Section 40-4-7 with the following amendments; paragraph A – he shall employ no more than two individuals who are unrelated to the immediate family residing on the premises, strike out paragraph B, strike out paragraph D, and add to paragraph H no semis and not to block route 3. Also following Section 40-4-8 with the following amendments; strike out paragraph C and in paragraph F the time period be two year. Last, no lighting shall face Route 3. The property is located at 1165 S Market St., Waterloo, IL. Parcel #07-36-400-002. Yes –9, No – 0. Abstain - 1.
- Motion Passed.
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George Obernagel sworn in those wishing to speak.

- Joseph Foutch – Has nothing to add.
- Mike Kovarik – Clarification on paragraph F of 40-4-8.
- Chris Voelker – It is two years' time period. As it grows it should go into a more appropriate location.
- Ryan Webb – Would interpreted it as it is maxed at 5 years.
- Mike Kovarik – Can it be renewed by us?
- Ryan Webb – I read it as that 5 years is it.
- Russell Gregson – Are you ok with that?
- Joseph Foutch – Yes.
- Ryan Webb – Can come back for a zoning change, if it is working.
- Brain Coats – We wanted to make it specifically two years.
- Ryan Webb – Technically he can come back and ask for 3 more years.
- Chris Voelker – It is a Special Use that does not follow home business.
- George Obernagel – Does he own the property?
- Joseph Foutch – Working on buying the property.
- Russell Gregson – Most of the vehicles will be stored inside.
- Joseph Foutch – Yes.

- George Obernagel – So you will have two employees that are not family. You will be repairing vehicles too.
- Joseph Foutch- Yes.
- Mike Kovarik – No body work. No totaled cars sitting outside.
- Joseph Foutch – No.
- George Green – The only thing outside will be vehicles that are for sale.
- Joseph Foutch – They were concerned with trailers on Route 3 blocking the traffic.

Motion by Russell Gregson, second Vicki Taake to approve the Special Use Exception by Joseph Foutch and Samantha Ratterman to establish a motor vehicle sales dealership following the outline of Section 40-4-7 with the following amendments; paragraph A – he shall employ no more than two individuals who are unrelated to the immediate family residing on the premises, strike out paragraph B, strike out paragraph D, and add to paragraph H no semis and not to block route 3. Also following Section 40-4-8 with the following amendments; strike out paragraph C and in paragraph F the time period be two years. Last, no lighting shall face Route 3. The property is located at 1165 S Market St., Waterloo, IL. Parcel #07-36-400-002. Yes –5, No –0. Motion passed.

Motion by Russell Gregson, second Mike Kovarik to approved the minutes of February 5, 2024. All aye by voice vote.

Motion by Brian Coats, second Mike Kovarik to adjourn. All aye by voice vote.

Next meeting – May 1, 2024 – 7:30 pm