

MONROE COUNTY ZONING BOARD OF APPEALS

May 5, 2025

Waterloo, Illinois

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APPEARANCES

Mr. George Obernagel, Chairperson

Mr. Brian Coats

Mr. Russell Gregson

Mr. Mike Kovarik

Ms. Vicki Taake

Mr. Chris Voelker, Zoning Administrator

Ms. Dawn Mavers, Zoning & Building Department

Mr. George Green, County Commissioner

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Public Hearing concerning Christopher and Amy Eschmann

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Public Hearing concerning Shane Sellers

WITNESSES:

1. Shane Sellers 11

1 MEETING CONVENED AT 7:36 P.M.

2 CHAIRPERSON OBERNAGEL: I've got 7:30. I'd
3 like to call the Monroe County Zoning Board of Appeals to
4 order. The first hearing 7:30. Public hearing
5 concerning Christopher and Amy Eschmann who are
6 requesting an Area/Bulk variance from building setbacks
7 containing detail in Scheduled 2A Area/Bulk Regulations.
8 The property is located at 2208 Turkey Ridge Estates in
9 Waterloo, Illinois 62298. Parcel No. 06-36-200-006. The
10 present classification is A-1.

11 Before we proceed, we have Debbie, she's going
12 to be our court reporter. Welcome.

13 MS. MAVERS: I am writing this letter of
14 intent to be able to add a lean-to on my existing farm
15 machine shed at my house. I am limited on building space
16 because I have three sinkholes on my property that you
17 can find on the county karst map. I need to add
18 additional shed space for storage of my farm equipment so
19 that it does not sit outside. The other parts of my
20 property are not level enough, and my front yard has all
21 my laterals running through for my sewer. On the south
22 side of my property I will have the same issue with being
23 too close to my property line. Please consider allowing
24 me to add to my existing shed.

1 Health Department: Not applicable.

2 Soil and Water Conservation Report: No
3 comment.

4 Effects on Comprehensive Plan: Setback
5 variance requested.

6 Effects proposal would have on health, welfare,
7 safety, morals and comfort of surrounding area: Not
8 applicable.

9 Effects on schools, traffic, streets, shopping,
10 public utilities, and adjacent property: Not applicable.

11 Present Use of Property: Residential.

12 Motion, Dan Davis; Second, Walter Wetzel to
13 recommend approving the variance request for the
14 construction of a lean-to on the south side of an
15 existing shed as long as the lean-to is no closer than
16 7 feet off the southeastern corner. Parcel No.
17 06-36-200-006, 2208 Turkey Ridge Estates, Waterloo.

18 1 present; yes, 9; no, 0.

19 Motion passed by roll call vote.

20 CHAIRPERSON OBERNAGEL: Thank you. I will
21 have to abstain from this since Chris works for me and
22 his son works for me. So I'm abstaining from this.
23 Whosever going to speak on this matter, would you please
24 stand and raise your right hand.

1 **CHRISTOPHER ESCHMANN**

2 of lawful age, being first duly sworn to tell the truth,
3 the whole truth and nothing but the truth, says as
4 follows:

5 CHAIRPERSON OBERNAGEL: Is there anything
6 else that you want to say on this?

7 MR. ESCHMANN: I'm just trying to get a
8 variance to add a lean-to. That's what I was trying to
9 do. I'm past the 20-foot allotment, so on there it says
10 9, but I think when we measured it was 7. So --

11 MR. COATS: You're confident that's 7?

12 MR. ESCHMANN: Correct.

13 MS. TAAKE: And A-1 it's supposed to be 20?

14 MR. ESCHMANN: Correct.

15 MS. TAAKE: And I will mention that I spoke
16 with adjacent neighbor, Caine Hoeffft , and he has no
17 issues with this.

18 MR. ESCHMANN: He does know where both OF
19 his lines are, too, so he knows that line completely is
20 there.

21 CHAIRPERSON OBERNAGEL: Any other
22 questions?

23 MR. GREGSON: I have none.

24 CHAIRPERSON OBERNAGEL: Would somebody like

1 to make the motion to approve?

2 MR. COATS: I'll make a motion that matches
3 that one.

4 MS. TAAKE: I'll second.

5 CHAIRPERSON OBERNAGEL: Okay. Roll call.

6 MS. MAVERS: Vicki Taake?

7 MS. TAAKE: Yes.

8 MS. MAVERS: Russell Gregson?

9 MR. GREGSON: Yes.

10 MS. MAVERS: George Obernagel?

11 CHAIRPERSON OBERNAGEL: Abstain.

12 MS. MAVERS: Mike Kovarik?

13 MR. KOVARIK: Yes.

14 MS. MAVERS: Brian Coats?

15 MR. COATS: Yes.

16 CHAIRPERSON OBERNAGEL: Okay.

17 MR. ESCHMANN: Thank you very much.

18 CHAIRPERSON OBERNAGEL: Thank you.

19 MR. VOELKER: It will get typed up and
20 we'll work on approving your permit.

21 MR. ESCHMANN: I gave her my checks.

22 MR. VOELKER: Now that we know this, we can
23 start doing the building permit. It's sitting there but
24 we were waiting to see if it was going to pass.

1 CHAIRPERSON OBERNAGEL: We won't start the
2 next one until 7:40. While we've got a little time here,
3 somebody want to approve the April 7th, 2025 minutes?

4 MR. COATS: So move.

5 CHAIRPERSON OBERNAGEL: Somebody second?

6 MR. GREGSON: I'll second it.

7 CHAIRPERSON OBERNAGEL: All in favor say
8 aye.

9 (All members vote aye.)

10 CHAIRPERSON OBERNAGEL: Opposed?

11 (No nays.)

12 CHAIRPERSON OBERNAGEL: Motion carried.
13 Thank you. We'll just wait until 7:40.

14 I've got 7:40. We have our second hearing.
15 Public Hearing concerning Shane Sellers who is requesting
16 an Area/Bulk Variance for residential roofing material
17 detailed in 40-1-9 Definitions. The property is located
18 at 4631 Walnut Ridge Lane, Fults, Illinois 62244. Parcel
19 No. 15-12-2300-002. The present classification is A-1.
20 Have the fees been paid?

21 MS. MAVERS: Yes.

22 CHAIRPERSON OBERNAGEL: Go ahead and read,
23 please.

24 MS. MAVERS: I am requesting a variance on

1 a building located at 4631 Walnut Ridge Lane, Fults. The
2 property address was previously 2928 Maus Road. The
3 variance that I am asking you to consider is on roofing
4 material. When I built the building I originally built
5 it as a pole barn/cabin. I finished off part of the
6 inside to be used as a living area for myself and my
7 family. I built it to meet the minimum amount of square
8 footage requirements for a living space. I did not
9 realize the restriction of exposed fasteners on the roof
10 as I had seen several other occupied buildings within the
11 county. Chris has been to the property to inspect the
12 building and has provided a list of items that need to be
13 corrected to make it occupiable. I am willing to comply
14 with the corrections that I have been given. Having to
15 change the roofing material to a hidden fastener/standing
16 seam metal roof would be a substantial hardship for me
17 and my family. We have invested a lot of time and
18 finances into the building and property to be a home for
19 us. I ask that you please consider granting the variance
20 in this matter.

21 Health Department: Requires a new septic
22 system.

23 Soil and Water Conservation Report: No
24 comment.

1 Effects on Comprehensive Plan: Variance of
2 exposed roof fasteners.

3 Effect proposal would have on health, welfare,
4 safety, moral and comfort of surrounding areas: Not
5 applicable.

6 Effects on school, traffic, streets, shopping,
7 public utilities and adjacent properties: Not
8 applicable.

9 Present Use of Property: Residential with
10 posted "Do not occupy."

11 Motion, Dan Davis; Second, Robert Schlegel to
12 recommend that we approve the request for a variance for
13 exposed fasteners on the residence/shed at 4631 Walnut
14 Ridge Lane, Fults. Parcel 15-03-300-002.

15 Amendment to the motion, Carlyle Mueller,
16 seconded by Chuck Pittman, that if the roof would ever
17 have to be removed it would be converted at that time.

18 Gene Stumpf: A yes vote is to approve the
19 amendment, a no vote is to deny the amendment?

20 Carlyle Mueller: Yes.

21 Amendment vote: Yes, 8; no, 2. Roll call
22 vote. Motion passed.

23 Main motion as amended that if it was ever
24 reroofed, that it would be required to have standing seam

1 metal roof.

2 Main motion as amended vote: Yes, 3; no, 7.

3 Motion denied.

4 CHAIRPERSON OBERNAGEL: Okay. Whoever is
5 going to speak on this, will you please stand and raise
6 your right hand.

7 **SHANE SELLERS**

8 of lawful age, being first duly sworn to tell the truth,
9 the whole truth and nothing but the truth, says as
10 follows:

11 CHAIRPERSON OBERNAGEL: Do you have
12 anything else you want to say on this?

13 MR. SELLERS: At first we built a pole
14 barn, and over time we finished off an area to stay. I
15 did not know you couldn't have exposed fasteners on the
16 roof. Went through a divorce. That's when I brought up
17 to Chris, through her lawyer -- that's when it was
18 brought, you know, to the public attention here.

19 I did bring some examples here tonight, a few
20 more than I brought to the other meetings.

21 The first one I'd like to bring up would be
22 4601 Kaskaskia Road coming into Burksville. It's a
23 smaller pole barn building -- I can pass it around to you
24 guys -- that was recently built standing -- no standing

1 seam roof. It doesn't meet the requirements as far as
2 size that somebody lives in there. That's not a hidden
3 one. It's right on Kaskaskia Road. You can see it every
4 night when you drive by. Somebody lives in there.

5 CHAIRPERSON OBERNAGEL: Somebody does live
6 in there?

7 MR. SELLERS: Yeah, they are there every
8 night. Along with a permanently set up camper next to it
9 that somebody lives in. Sewer attached to it.

10 The next one I wanted to bring up, 7730 LL
11 Road. This house sold in January with fastener roof on
12 it. The people moved in in February. So even that one
13 wasn't, like, grandfathered. It was new purchase, new
14 occupied house.

15 And then the next one I want to bring up would
16 be 4765 Chalfin Bridge. It has an exposed fastener roof
17 and the assessor came out and reassessed it with that
18 kind of roof on it.

19 The next one would be 5504 Fortman Lane. Same
20 thing, exposed fastener roof.

21 CHAIRPERSON OBERNAGEL: Anybody living in
22 those?

23 MR. SELLERS: Yeah. These are all homes.
24 These are residences.

1 MS. TAAKE: And you know this how?

2 MR. SELLERS: Because I drive by them
3 almost daily delivering propane.

4 The next one would be 4331 Gg Road. Same
5 thing. Exposed fastener roof. Off the assessor's web
6 page.

7 Then the next one, 7381 State Route 156. Old
8 home. Exposed fastener roof.

9 And 6954 Old Red Bud Road -- I mean, you want
10 me to keep going?

11 MR. COATS: You don't need to keep going
12 for me because I don't know the status of when they were
13 built or --

14 MR. VOELKER: Most of those are brand-new
15 homes.

16 MR. KOVARIK: Chris, you said in this
17 March 31st letter that there were numerous violations.
18 Can you elaborate on some of those numerous violations?

19 MR. SELLERS: Can I say tonight we're just
20 here about the roof variance? The last meeting that's
21 all they talked about was everything else besides the
22 roof that needed done. Chris even brought it up that we
23 were here the last meeting about the roof not everything
24 else that needed done.

1 MR. COATS: Have you addressed any of them?

2 MR. SELLERS: Yeah, so -- did you get a
3 copy of the permit from J & J for the new septic tank?
4 That first expense would be the septic tank. Signed
5 contract, paid in full. I'm willing to do it. The roof
6 is a big one, you know. I'm looking at no more than if
7 we bought a rehabbed home or anything. The first thing I
8 want to do is keep the roof, and then go along with
9 everything else that needs repairs.

10 CHAIRPERSON OBERNAGEL: Ask you a question.
11 When you built this, what year did you build it?

12 MR. SELLERS: As a shed -- originally build
13 it as a shed in 2014.

14 CHAIRPERSON OBERNAGEL: When you started
15 making it a residence, did you notify the county that you
16 was doing that?

17 MR. SELLERS: No, I did not. No, I did
18 not. Just walled it off and finished an area off in the
19 inside.

20 MR. KOVARIK: I don't read -- I guess we
21 don't have our attorney here, but I don't read it as just
22 exposed roof fasteners, I'm reading it as Planning
23 Commission presents the following report on an area/bulk
24 variance. Period. That's the way I read it. Like I

1 said, I wish the State's Attorney would weigh in before I
2 do anything. If that's the conditions of this meeting,
3 then --

4 MR. VOELKER: He's asking for a variance
5 for the roofing material.

6 MR. KOVARIK: Have you given him an
7 occupancy permit for this?

8 MR. VOELKER: No. We've condemned it for
9 occupancy because it cannot be occupied because it
10 doesn't meet multiple things.

11 MR. GREGSON: He doesn't want to go ahead
12 with all the improvements unless we're going to give a
13 variance on the roof. If he spends a bunch of money --

14 MR. KOVARIK: Is that what you're wanting
15 to do?

16 MR. SELLERS: Yeah, obviously the first one
17 was the septic tank. So, like, I want to get that ball
18 rolling. That's a major one. The next major expense is
19 the roof. We have two bids, one for 29,700 and one for
20 32,000 for a roof. In my opinion, nothing wrong with it.
21 I mean, I was addressed by Chris the big thing is it
22 could leak, which all roofs leak over time.

23 MR. KOVARIK: What's the size of this
24 building? Was it 40 x 60, 40 x 50, 36 x 60.

1 MR. SELLERS: I have that right here. It
2 is -- they called it a -- the square footage is 2,560
3 square feet. It's probably -- I believe they called it a
4 52 x 72 is what they called it. I have a 2-foot overhang
5 and a porch all the way across the front.

6 But as far as leaks, obviously I understand
7 leaks. If at that time if we need to replace it with a
8 standing seam roof, so be it.

9 I believe 5420 Hanover, the big mansion, it's
10 had blue tarps on it for over three years. So obviously
11 these aren't that big of a deal.

12 UNIDENTIFIED SPEAKER: They're putting a
13 roof on it now.

14 MR. SELLERS: Up until last week it had
15 blue tarps. The building we're in, in the restroom the
16 ceiling leaks. There's water coming through it. So
17 obviously leaks happen. At that time we'd like to
18 address it then, but I'd hate to tear off a perfectly
19 good roof at this point.

20 MR. KOVARIK: Do you know if your roof
21 trusses are 8 foot on center, 7 foot on center?

22 MR. SELLERS: 8 foot.

23 MR. KOVARIK: Did you compromise any of the
24 trusses in moving into your building?

1 MR. SELLERS: So one of the trusses we put
2 in a loft storage area. We contacted Cleary and I asked
3 him about it. He said the building required -- we could
4 have built that building on 10-foot centers, on trusses.
5 We decided to go with 8. And they said we could cut that
6 piece of the truss out as long as we redirected it to the
7 floor and tied it together in two spots, and that's what
8 we did.

9 MR. KOVARIK: Did they give you any
10 documentation?

11 MR. SELLERS: No, they did not.

12 MR. KOVARIK: I would think they would do
13 that.

14 MR. SELLERS: No, they just -- I told them
15 what I was wanting to do. That's how they addressed it.
16 If we need to get in there, we can do that too. We have
17 more trusses in the building than we needed so that's
18 what they suggested.

19 MR. KOVARIK: Do you -- did you put any
20 drywall in any of the ceiling members?

21 MR. SELLERS: The ceiling is metal.

22 MR. KOVARIK: Insulation blown in?

23 MR. SELLERS: 10-inch max in the ceiling.
24 6-inch in the walls. It's finished out 2 x 6 drywall

1 plaster.

2 MR. COATS: Are you currently residing
3 there?

4 MR. SELLERS: No. I haven't been there for
5 quite a while. My ex-wife was the last one there.

6 MR. COATS: Okay.

7 MR. SELLERS: I rent a different place
8 right now. We go there daily because we have chickens
9 and stuff like that, but we don't have -- we have not
10 stayed there overnight.

11 MR. COATS: What was the thinking when you
12 converted to residential on not getting any building
13 permits or inspections or anything like that? Can you
14 speak as to how that happened?

15 MR. SELLERS: I figured it was my building,
16 you know. I didn't think it mattered on the inside of
17 the building. I didn't think -- as far as the County
18 worried about it, what's on the inside, whether it's full
19 of tractors, I didn't think that would matter what was on
20 the inside of the building.

21 MR. COATS: Okay.

22 MR. KOVARIK: You say you don't live there.
23 Your wife doesn't live there. You plan on selling this?

24 MR. SELLERS: No. I couldn't live there so

1 we haven't been living there. He said it was condemned
2 for not -- but on the other hand on my assessment this
3 year, my taxes have doubled. So I went down and talked
4 to -- I believe it was Dawn downstairs. She says the
5 taxes are for the residence, but then on Chris's point he
6 says we can't live there because it's not a residence.
7 So if the County decides it's a residence, I can move in.
8 We can keep the taxes where they are. Or if it's not a
9 residence, we cut the taxes back in half to where we
10 were. It's like the County is getting both ends of this
11 deal. I can't live there, yet I'm paying for a house I
12 can't live in.

13 But, no, to your question, nobody has been in
14 there. I took back over possession of the property
15 November 13th, and I signed my lease on my new place on
16 November 1st. So we have not lived there. We lease a
17 place right next door to it, but we have not stayed there
18 overnight. But we do go there daily.

19 MR. COATS: Any contact from neighbors?

20 MR. VOELKER: No, not about this portion.

21 MR. COATS: Okay.

22 CHAIRPERSON OBERNAGEL: This is going to be
23 your permanent residence then?

24 MR. SELLERS: As of right now, yes. We

1 have been checking into getting some other modular or
2 something put on there, but for now yes, we'd like to
3 make it a residence. But probably not for the long-term.
4 But, on the other hand, I want to use it as a spot when
5 my daughter is home from college she can stay there. But
6 we've had some contact with some builders. That's why we
7 oversized the septic they are putting in now on the
8 building we have, and if we ever put anything else on the
9 property.

10 MR. KOVARIK: This is my take. I have no
11 problem with these exposed roof fasteners. I do have big
12 problems with all the other things that Chris talked
13 about. Chris knows what I'm talking about. But I would
14 have to have all those items addressed for this to take
15 hold on the variance. Again, I have no problem with a
16 standing seam roof, but it's the other issues that I
17 would --

18 MR. SELLERS: We're addressing them as --
19 you know, the first thing, \$12,000 for a septic tank that
20 I'm putting on a building that I don't know if I'm going
21 to live in.

22 MS. TAAKE: They have to be addressed
23 before you will issue an occupancy permit?

24 MR. VOELKER: Right. I mean, it's -- the

1 walls have to be opened. We have to see electric,
2 plumbing. The truss, you know, make sure things aren't
3 16 inches on center. It would have to be framed
4 16 inches on center. The only thing we confirmed is that
5 there is a footing. Windows as of right now don't meet
6 egress either. I mean, there's --

7 CHAIRPERSON OBERNAGEL: So we're trying to
8 say that if we would approve this, he's got to get all
9 the other stuff done before you would give him an
10 occupancy permit?

11 MR. VOELKER: Correct.

12 MS. TAAKE: This is the only issue we're
13 being asked, but all those locations that he mentioned,
14 were those all approved?

15 MR. VOELKER: I would have to look them up.
16 I'm writing them down. I mean, I think most of those are
17 old -- are houses, and we don't reroofs. There's no new
18 construction, a new house that has exposed fasteners on
19 it.

20 MR. SELLERS: 5601 Kaskaskia Road.

21 MR. SUTTER: 5601 Kaskaskia Road is a
22 clubhouse. That's what it was built as.

23 MR. VOELKER: That's a clubhouse.

24 MR. SELLERS: Definition of clubhouse or

1 barn. How many nights a year can you stay there?

2 MR. SUTTER: 90.

3 MR. VOELKER: 90.

4 MR. SELLERS: How big would it have to be?

5 MR. VOELKER: 900. That one's under that.

6 MR. SELLERS: It's under, correct. It's

7 not that size --

8 MR. VOELKER: We don't have proof that
9 there's somebody living there.

10 MR. SELLERS: Okay. I'm not --

11 MR. VOELKER: It's a hard thing to do.

12 MR. SELLERS: I'm not saying it's off the
13 beaten path on the back of somebody's farm. That's right
14 on Kaskaskia Road.

15 MR. VOELKER: But I don't know that --

16 MR. SELLERS: Okay. That's up to you guys.

17 MR. VOELKER: -- somebody is living there.

18 MR. SELLERS: But also, so those are the
19 90 days. We're almost the middle of May, and every day
20 they are living there.

21 MR. VOELKER: I guess I'm saying I don't
22 have a way to check that.

23 MR. SELLERS: I was just using them as an
24 example. I'm not trying to bring up stuff that's hidden.

1 These are homes that are right on the well-traveled path.

2 MR. COATS: Unless we perform our diligence
3 and find out exactly the condition and all the
4 relevant -- pertinent for each of those sites, it's tough
5 for us to consider that on the basis of any factual
6 decision, because we don't know all the facts behind it.
7 We don't know if they are grandfathered in. We don't
8 know -- we have your word on these things, which is -- I
9 would take it, but we can't make decisions just based on
10 not having all the facts.

11 MR. SELLERS: That's why I brought ones
12 that the County Assessor has been in front of.

13 MR. KOVARIK: My contention is the pole
14 barn was designed and built for no occupancy. Maybe
15 these were already designed for it. Maybe the only issue
16 is standing seam roof exposed. I don't have a problem
17 with that. My big problem is approving something that
18 wasn't necessarily designed independent of catastrophic
19 failure, and we approve this and grant you this occupancy
20 permit, guess who that falls on?

21 MR. SELLERS: I understand.

22 MR. KOVARIK: We have to cover our rear
23 ends in terms of liability to grant this occupancy.

24 CHAIRPERSON OBERNAGEL: You are not

1 granting occupancy.

2 MR. KOVARIK: No, I'm saying down the road.
3 I'm okay with Chris addressing his concerns.

4 COMMISSIONER GREEN: Right. You're
5 addressing the roof.

6 MR. KOVARIK: This gets taken care of
7 before the variance takes hold.

8 COMMISSIONER GREEN: I'm just talking, but
9 you could grant the variance for the roof as it exists
10 now. He still would have to meet the obligations.

11 MR. KOVARIK: Exactly.

12 COMMISSIONER GREEN: He never may occupy
13 because he decides I'm not going to do all that.

14 MR. SELLERS: Might be I decide not to do
15 that work now but, you know, a little bit down the road.
16 I just want to be able to know that that roof gives me a
17 starting point. Okay. The roof is good. That's \$30,000
18 of repairs. Now move forward with some other things.

19 CHAIRPERSON OBERNAGEL: I guess the way I
20 feel, if these guys get everything done to get it up to
21 code to live in, I don't have a problem either. But he's
22 got to get everything else done before he gets his
23 occupancy permit; correct?

24 MR. VOELKER: Correct.

1 MR. GREGSON: And what did the group before
2 us say? I'm reading this and I'm not sure I understand.

3 MR. VOELKER: They did it in a positive
4 way. I don't understand why. The recommendation was to
5 deny.

6 MR. GREGSON: That's the way -- so as of
7 now his request has been denied.

8 MR. VOELKER: Recommended to deny exposed
9 fasteners on the roof, 7 to 3.

10 MR. SELLERS: They said if we kept the roof
11 and it got destroyed I'd have to put the correct one on,
12 but --

13 MR. GREGSON: It says amendment to the
14 motion, Carlyle Mueller, seconded by Pittman that if the
15 roof would ever have to be removed, it would be converted
16 to that type. So Gene Stumpf said, "A yes vote is to
17 approve the amendment, a no vote to deny?"

18 MR. COATS: And they voted on the motion --

19 MR. GREGSON: The amendment was --
20 amendment vote, yes 8, no 2.

21 MR. VOELKER: Correct.

22 MR. GREGSON: So that means they were
23 voting to approve the amendment.

24 MR. VOELKER: They were voting to approve

1 the amendment.

2 MR. GREGSON: But they didn't vote on the
3 amendment.

4 MR. VOELKER: They voted to approve the
5 amendment.

6 MR. GREGSON: But then it says the main
7 motion as amended, that if it's ever reroofed, that it
8 would be required to have a standing seam metal roof.
9 Main motion as amended vote: Yes 3, no 7.

10 COMMISSIONER GREEN: That's what I don't
11 understand. It's contradicting itself.

12 MR. COATS: They approved the amendment but
13 then they denied the motion.

14 MS. TAAKE: They denied the request.

15 MR. GREGSON: So they approved amending the
16 motion, and then as of this point it's denied.

17 MR. ESCHMANN: As of this point it's
18 denied.

19 MR. COATS: Their recommendation was to
20 deny.

21 MR. GREGSON: So if we approve it, we're
22 going against what the first group did.

23 COMMISSIONER GREEN: Theirs is a
24 recommendation.

1 MR. COATS: Again, you have a lot of
2 instances where we don't know all the facts on the basis
3 of what -- you know, whether all --

4 MR. KOVARIK: I don't read that as an
5 amendment.

6 COMMISSIONER GREEN: I don't either.

7 MR. COATS: They denied it.

8 COMMISSIONER GREEN: I don't know that they
9 denied it.

10 MR. SELLERS: They did it both on replacing
11 the roof with the right kind if it was destroyed, and
12 that was a yes. Then they did a vote on me to keep the
13 roof, and that was a no.

14 MR. COATS: They made a motion and then
15 they wanted to change that motion. In order to change
16 that motion they had to amend it. They recommended that
17 amendment, but then the entire motion as amended was
18 denied.

19 MR. KOVARIK: Okay.

20 MR. COATS: And if we pass this, again, we
21 could consider ourselves with precedence setting as a
22 body.

23 MR. SELLERS: Have variances been granted
24 before for exposed fastener roofs?

1 MR. VOELKER: One.

2 COMMISSIONER GREEN: The precedence is
3 already set. You say one has been granted?

4 MR. COATS: I don't know what those
5 conditions were.

6 CHAIRPERSON OBERNAGEL: They did approve on
7 fastener before.

8 MS. TAAKE: And you said yes?

9 COMMISSIONER GREEN: He said once.

10 CHAIRPERSON OBERNAGEL: Any other
11 questions?

12 MR. SELLERS: I've done everything I can
13 do.

14 CHAIRPERSON OBERNAGEL: Somebody want to
15 make a motion?

16 MR. KOVARIK: You guys won't like my
17 motion. I'm going to make a motion to approve the
18 variance contingent upon -- how do I say it.

19 I mean, obviously Chris has got the occupancy
20 permit.

21 COMMISSIONER GREEN: You don't have to have
22 it contingent on the occupancy because he's required to
23 grant occupancy by the code. So they got to do it or
24 he'd never grant occupancy.

1 MR. GREGSON: We don't have to do anything.
2 That's the law.

3 MR. KOVARIK: That's why I said if Chris is
4 going to follow through and not grant the occupancy
5 permit if the conditions aren't met, or the County's.

6 MR. COATS: If we do put a condition on it
7 that it gets replaced up to code, I don't think we should
8 necessarily have to specify standing seam, it should just
9 be replaced with a code-approved roofing. Right? We
10 shouldn't have to make him put standing seam if he wants
11 to put shingle.

12 MR. KOVARIK: Not on --

13 MR. COATS: I'm just saying whatever else.
14 There could be other alternative roofing types that he
15 could put on.

16 MR. GREGSON: It could be approved roofing.

17 CHAIRPERSON OBERNAGEL: You want to state
18 your motion?

19 MR. KOVARIK: I'm confused on how to say
20 that. I'm okay with approving the variance on the
21 type -- exposed fasteners that he has. I would make that
22 motion.

23 CHAIRPERSON OBERNAGEL: Okay. Somebody
24 second that?

1 MR. GREGSON: Are you saying if the roof
2 needs to be replaced it has to be --

3 MR. KOVARIK: Yeah, I would throw that in
4 there. To code. I didn't say it, but I meant it,
5 because that was kind of confusing verbiage. Yes, to
6 mimic the Planning Commission's amended -- I don't know
7 how to word it.

8 CHAIRPERSON OBERNAGEL: Maybe you should
9 say if the roof --

10 MR. KOVARIK: I go to this page here. I
11 make a motion to -- I make a motion to allow the
12 variance; however, if it's ever reroofed it would have to
13 be a standing seam metal roof.

14 CHAIRPERSON OBERNAGEL: Okay. Somebody
15 want to second that?

16 MR. COATS: That's not what we just said.
17 We said replaced with a code-approved --

18 MR. KOVARIK: Code-approved.

19 MR. COATS: -- roofing material.

20 MR. KOVARIK: Code-approved roofing
21 material.

22 CHAIRPERSON OBERNAGEL: Somebody want to
23 second? Greg?

24 MR. GREGSON: So the motion is we're going

1 to grant the variance, but if the roof is ever reroofed
2 that it's required to have a roof that meets existing
3 county requirements for a new structure. Is that what
4 we're saying?

5 MR. KOVARIK: That's what I would say
6 without putting it in so many words.

7 MR. GREGSON: New residential --

8 MR. COATS: Yes.

9 CHAIRPERSON OBERNAGEL: Somebody want to
10 second that?

11 MR. GREGSON: I'll second it.

12 CHAIRPERSON OBERNAGEL: Okay. Roll call.

13 MS. MAVERS: Vicki Taake?

14 MS. TAAKE: No.

15 MS. MAVERS: Russell Gregson?

16 MR. GREGSON: Yes.

17 MS. MAVERS: George Obernagel?

18 CHAIRPERSON OBERNAGEL: Yes.

19 MS. MAVERS: Mike Kovarik?

20 MR. KOVARIK: Yes.

21 MS. MAVERS: Brian Coats?

22 MR. COATS: No.

23 CHAIRPERSON OBERNAGEL: That don't pass.

24 Has to be a super majority because of the recommendation.

1 MR. VOELKER: I think it's only on special
2 use.

3 CHAIRPERSON OBERNAGEL: But we were talking
4 about a variance that night.

5 MR. VOELKER: I don't know that he was
6 right. Underneath special use it requires three-fourths
7 majority vote. I mean, I will verify, but I think it
8 passes.

9 CHAIRPERSON OBERNAGEL: Okay. Verified.

10 MR. VOELKER: I will verify. I think you
11 can say clearly on special use. Doesn't say it at all in
12 any other spots. I'll verify with him.

13 MR. COATS: So what are we waiting on?

14 MR. GREGSON: We're uncertain whether it
15 requires a super majority.

16 MR. VOELKER: 40-10-4, but that's not the
17 one I was reading. I was reading a different one.
18 40-10-4 says quorum vote. The Board shall act in
19 accordance with the procedures specified in the state
20 statutes and by this code. Four members of the Zoning
21 Board of Appeals will constitute a quorum. The
22 concurring vote of four members of the Zoning Board of
23 Appeals shall be necessary to reverse an order,
24 requirement, decision, or determination of the Zoning

1 Administrator or to decide in favor of the applicant in
2 any matter upon which it is required to pass.

3 If I'm reading that, it tells me it's no.

4 MR. SUTTER: The zoning administrator
5 denies it and then you asked for a variance.

6 MR. VOELKER: No, we're not -- they are not
7 appealing the decision.

8 MR. COATS: The last sentence after the
9 comma that gives you pause, we're going to decide in
10 favor of the applicant in any matter upon which it is
11 required to pass. I think that's what Ryan needs to
12 clarify for us. If we want to decide in favor of the
13 applicant in any matter upon which it's required to pass.
14 Doesn't say beyond that.

15 MR. VOELKER: All right. Well, it's a 3 to
16 2. I'll talk to the State's Attorney tomorrow.

17 MR. SELLERS: Okay.

18 MR. VOELKER: I'll call you tomorrow.

19 MR. SELLERS: Okay.

20 MR. VOELKER: All right. So it's not been
21 decided tonight.

22 MR. GREGSON: We decided, we just don't
23 know what the official ruling is.

24 MR. VOELKER: If it's simple majority, you

1 have it. But if not, it's a fail. Okay.

2 MR. SELLERS: Yep.

3 MR. VOELKER: Apologize for not being clear
4 on that.

5 CHAIRPERSON OBERNAGEL: Thank you very
6 much. Motion to adjourn?

7 MS. TAAKE: So moved.

8 CHAIRPERSON OBERNAGEL: All in favor say
9 aye.

10 (All members vote aye.)

11 CHAIRPERSON OBERNAGEL: Motion carried.

12 MEETING ADJOURNED AT 8:17 P.M.

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C E R T I F I C A T E

I, Debra M. Musielak, Registered Diplomate Reporter, Certified Shorthand Reporter within and for the States of Missouri and Illinois, DO HEREBY CERTIFY that I was present on the date and at the place aforementioned and that the aforesaid proceedings were had as appears herein, and that this is a true and accurate record of said proceedings.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 12th day of May, 2025.



Debra M. Musielak
MO CCR #681
IL CSR #084-001684