

# Monroe County Zoning Board of Appeals

August 25, 2025

The Monroe County Zoning Board of Appeals met on August 25, 2025, in the Monroe County Court House, Waterloo, Illinois, with the following members present: George Obernagel, Vicki Taake, Mike Kovarik, Brian Coats and Russell Gregson. Also present: Chris Voelker, Dawn Mavers, Eric Sutton and Marcus Wade

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George Obernagel opened the Public Hearing concerning Caley Homrighausen's request for a Area/Bulk Variance on side from side yard setback located of Schedule 2A at 6467 H Road, Waterloo, Illinois, Parcel #08-33-400-006, present zoning classification A-1.

Dawn Maver read the correspondence:

1. Letter of Intent

We are requesting a variance for the above address to permit us to allow our home to remain constructed 16 feet from the property line, rather than the required 20 feet.

As you may be aware, this is our second variance request. Our first request was met with disagreement from our neighbor. It was suggested from the Board of Appeals that we attempt to work things out with our neighbor, Joshua Biffar.

After paying the retainer fee for our neighbor's lawyer of choice and much back and forth, we are unable to come to an agreement with our neighbor. We have attempted many avenues to try and satisfy their request which were as follows:

1. Purchase 4'.

- a. We did an even 10' depth as Mr. Biffar requested, we figured 10 feet x 1319 ft (length of property) which is exactly 0.3 acres. We took the neighboring property that sold at \$17,500/acre and offered \$5,250 and any survey fees and additional fees, in addition to liability paperwork. He countered at \$300,000.

2. Buy from others to the south and shift lines.

- a. Unable to purchase land from other land owners

3. County Approval:

- a. We were already denied variance due to his pushback.

4. Give **him** 4 acres of the back of our property, and the entire front of the property, 25 feet past front of house.

This equals about 7-8 acres. Plus, an additional \$25,000 cash.

- a. We are unable to divide smaller than 10 acres. This also seemed unreasonable for our 4 feet. None of those options were reasonable *or* possible, so we proceeded with the liability paperwork.

5. Liability paperwork

- a. We paid his lawyer fees and our lawyer to draft paperwork that we believed to be consistent with his desires; Mr. Biffar did not think the county would be able to record said paperwork and backed out.

He then said our only options are:

- 1- Purchase 4' for 300,000.
  - 2- **Sell him our house and property**
  - b. We offered him our home and property for the cost of our loan that we have and price of the land, to which we received no response.
  - 3- Settle with builder and Monroe County Board of Appeals
- This is why we have come back to the Board requesting the variance be approved.

Our last offer was to purchase 10 feet in and 70 feet wide (700 sq ft), for \$10,001.00, with a 99-year lease for \$1 that Mr. Biffar could continue farming the land, along with the liability paperwork. Mr. Biffar's lawyer instructed us that his client declined the offer and did not wish to negotiate further.

Granting this variance will not have much effect, if any, on Mr. Biffar's property or any of the surrounding properties. As the liability paperwork that Mr. Biffar and his lawyer reviewed many times, much of the concern of our home being 4' too close was that Mr. Biffar would incur liability and listed no concerns of us doing any damage to his property. We have also angled our downspouts in such a way that the majority of the water flows away from his property.

We have looked into having the house lifted on stilts and moved, but the cost was close to a quarter of a million dollars. We have also attempted to purchase land from surrounding property in order to then be able to trade land with Mr. Biffar, however the neighboring property did not want to sell as they are building a home and do not want to decrease the value of their land.

Mistakes happen, we feel as though we are being punished at no fault of our own. We have incurred thousands of dollars in lawyer fees, rental fees, RV fees & maintenance, loan extension fees, and have been unable to convert our construction loan to a permanent loan. We have tried working with Mr. Biffar, but do not feel his proposed amounts of land or money are reasonable, or feasible for us to accommodate.

We ask that you kindly grant this variance.

2. Health Department: NA

3 . Soil and Water Conservation Report: No comment

4. Effect on Comprehensive Plan: requires a setback variance

5. Effect proposal would have on health, welfare, safety, morals & comfort of surrounding area: N/A

6. Effect on schools, traffic, streets, shopping, public utilities and adjacent properties: Minimal

7. Present Use of Property: Residential

George Obernagel gave oath to anyone wanting to speak.

Caley Homrighausen and Tony Gilbreth (Atty) came to the table to answer any questions the Board might have. Caley read a letter she had written to the Board. Mr. Gilbreth spoke on the efforts that were made to reach an agreement with Mr. Biffar.

Mr. Gilbreth spoke regarding why a variance on the setback should be granted and presented a timeline of the events that happened leading up to the meeting.

Vicki Taake questioned why Mike the contractor wasn't sued. Discussion about why they did not pursue a lawsuit took place.

Mike Kovarik asked for clarification on the actual offer that was made to Mr. Biffar. Discussion on the monetary, liability, easement offers, and retention basin took place.

They discussed the option to move it or take off 4 ft of the house.

George Obernagel asked Chris Voelker if a retention basin is required. Mr. Voelker responded "no"

Mary Biffar, a nearby property, was in the audience and spoke regarding the efforts to reach an agreement. She felt that the Homrighausen's could have tried harder to reach an agreement.

Josh Biffar spoke about the retention basin and why he asked for the Homrighausen's to pay for it. He spoke about his concerns about toys, kids and pets being in his field. He stated he will not accept anything other than a straight line as far as selling them property.

Caley Homrighausen responded to the comment that they were wanting to purchase 10ft by the length of the property. She stated it was because before she had retained a lawyer, the conversation with Mr. Biffar was that he wanted her to purchase more than just the 4ft that was needed.

A Brief discussion of whether they have exhausted all options was had.

Marcus Wade (Asst.States Atty) spoke regarding the variance needing a 4/5 vote to overturn the Planning Commission's vote and grant the variance. If denied , no occupancy would be granted. Discussed the options that they have if denied.

George Obernagel asked if anyone else had questions or comments. There were no further questions.

Motion by Mike Kovarik, second Russel Gregson to recommend to approve the 4- foot variance across the South line of the property in regard to the house on the subject property. Parcel #08-33-400-006, Yes-3, No-2 Motion denied by roll call vote.

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George Obernagel opened the Public Hearing concerning Jarett Roush who is requesting a Special Use Variance to run an automatic repair shop in accessory building. The property is located at 5100 G Road, Waterloo, Il. Parcel#11-19-200-010. The present classification is A-1.

Dawn Mavers read the correspondence:

1. Letter of Intent:

I, Jarett Roush, sole owner of Roushs Garage LLC. The property, which is owned by my parents, James & Gay Lea Roush, where I also reside, is located at 5100 G Road, Waterloo.

I am requesting a special use exception for an automotive repair shop. I am the sole owner and employee of Roushs Garage LLC, where I diagnose and repair vehicles by appointment only. I use 1540 square feet of shop which is a portion of our existing building

2. Health Department: NA

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: Minimal

7. Present Use of Property: Residential

George Obernagel gave oath to anyone wanting to speak.

Jarett came to the table to answer questions that the Board may have.

Brain Coats addressed Jarett, making him aware that since his home occupation, he can only have one employee that is a nonfamily member.

Discussion on the number of years before he must come in front of the Board again and size of the building took place.

Jarett was asked about exterior storage and how many cars he will have at one time. He stated everything is stored inside and he will have 7-10 cars on average.

Motion by Brian Coats, second by Vicki Taake to recommend approving the Special Use for Home Occupation for 5 years at which Jarett will have to come in front of the Board for renewal, shop size to not exceed 1,550 square feet on Parcel #11-19-200-010 at 5100 G Road, Waterloo, IL

Yes-5. Motion passed by roll call vote.

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George Obernagel opened the Public Hearing concerning Shane & Laura Sellers who are requesting a Special Use Exception to allow a Manufactured home to be placed on the property. The property is located at 4631 Walnut Ridge Lane, Fults, IL. Parcel# 15-12-300-002. The present classification is A-1.

Intent:

Shane and Laura Sellers are requesting a petition for special use exception at 4631 Walnut Ridge Lane Fults, IL 62244 to place a 2026 CHAMPION - Double Wide- Manufactured home. The previous petition for area/bulk variance to keep exposed fasteners on the roof and reside in existing building at 4631 Walnut Ridge Lane Fults, IL 62244 was denied.

1. Health Department: NA
2. Soil and Water Conservation Report: No comment
3. Effect on Comprehensive Plan: **NA**
4. Effect proposal would have on health, welfare, safety, morals & comfort of surrounding area: **NA**
5. Effect on schools, traffic, streets, shopping, public utilities and adjacent properties: NA

## 6. Present Use of Property: Do Not Occupy

George Obernagel gave oath to anyone wanting to speak.

Shane and Laura came to the table to answer questions from the Board.

Shane states that he wanted to be clear that they are here not here about the existing building, that this is about the special use permit.

Mike Kovrak asked Chris Voelker to elaborate on the Manufactured Homes in A-1.

Vicki Taake asked if its replacing an existing building. It's replacing a home that was torn down.

Discussion on size, placement and septic took place.

Motion by Mike Kovark, second by Russel Gregson to recommend approving the request to place a Manufactured Home on Parcel# 15-12-300-002 at 4631 Walnut Ridge Lane, Fults, IL

Yes-5. Motion passed by roll call.

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Motion by Brian Coats, second Vicki Taake to approve June 5, 2025, minutes. All Aye by voice vote. Motion passed.

Discussion about if there are any upcoming petitions.

The Board decided to try scheduling the meetings on the last Monday of the month.

Motion to adjourn the meeting by Mike Kovark, second by Vicki Taake. All Aye by voice vote.