

Monroe County Board of Appeals January 4, 2023

The Monroe County Zoning Board of Appeals met January 4, 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 Steven and Tara Willi who are requesting a Petition for Zoning Ordinance Amendment to rezone part of parcel #08-16-100-002 from A-1 Agriculture to A-2 Agriculture. The property is located at 1018 Country Club Lane, Waterloo, Illinois.

Denise Marshall read the Letter of Intent from the December Planning Commission Meeting

Documents Reviewed:

1. Letter of Intent:

We currently own two parcels on Country Club Lane. Parcel 1 (#08-16-100-002-000) and Parcel 2 (08-16-100-001-000)

We are requesting part of parcel #08-16-100-002-000 be rezoned from A1 to A2.

Parcel 1 (16.58 acres) has a house on it, Parcel 2 (3 acres) is open land. We would like to rezone Parcel 1 from A1 to A2 so that we can distribute roughly 14 additional acres to Parcel 2 and build a house towards the rear of the property. Thus Parcel 2 would have a house and roughly 16-17 acres and Parcel 1 would have a house and 2.5-3.5 acres. Parcel 1 surrounded by A2 on two sides and A1 on two sides.

We love Monroe County, and *have* looked for a house/property for several years now. We initially bought the current house and land hoping to build on the back part of the property, but found that we could not reallocate the acreage from Parcel 1 to Parcel 2 without rezoning. We have a family of five and are hoping to build our forever home on the property. We would sincerely appreciate your consideration in the matter of rezoning these two parcels.

2. Health Department:

The Monroe County Health Department has no objection that the property owned by Steve Willi, 1018 Country Club be rezoned from A-1 to A-2.

3. Soil and Water Conservation Report: Report attached.

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:

Monroe County Highway: Any new entrance onto Country Club Lane will require an entrance permit upon application for a building. Also, the utilization of the existing entrance may require evaluation as there would be multiple residences using the same entrance.

These would be considered at time of building and shouldn't weigh on the commissions re-zoning vote.

7. Present Use of Property: residential and vacant land

Motion by Dan Davis, second Tim Berg to recommend to approve the revision of the current parcel #08-16-100-002-000 and parcel #08-16-100-001-000, the north end, no less than 2.5 acres can be separated zoned A-2. Yes – 12, no – 0. Motion approved

Dennis Rodenbeg gave the oath to those wishing to speak.

- Steven Willi – Aaron Metzger has since been out to look at the entrances.

Motion by George Obernagel, second Russell Gregson to grant Steven and Tara Willi a Petition for Zoning Ordinance to rezone part of parcel #08-16-100-002 from A-1 Agriculture to A-2 Agriculture at 1018 Country Club Lane, Waterloo, Illinois. Yes – 5, No – 0. Motion passed.

Dennis Rodenberg opened the Public Hearing concerning Matt and Melissa Kirkwood who are requesting a Wet Floodproofing Variance to build a storage and workshop shed for their use and the levee district at 1457 Merrimac Road, Valmeyer, Illinois. Parcel #06-10-300-002-000.

- Chris Voelker – the Floodproofing Variance to put up a shed for their use and levee district.
- Brian Mehrstens – Representing the Columbia Levee district. Need a place to house equipment. Currently the equipment sits outside. Matt has offered to build a shed big enough so the levee district can lease a portion of it.
- Glenn Stumpf - Matt is currently working part time for the levee district. He is willing to put up a shed and lease portion of it.
- Mike Kovarik – How big is the shed?
- Matt Kirkwood – 60 X 100.
- Glenn Stumpf - We would lease half of it.

- Dennis Rodenberg – Is it zoned residential?
- Matt Kirkwood – Unfortunately, no it isn't.
- Dennis Rodenberg – The only problem in the way is with FEMA. You can't put up a building unless you are a farmer or duck hunter.
- Chris Voelker – They were here before wanting to add a lean to the current structure. However, they realize the building wouldn't support it.
- Russell Gregson – Would it help if more than 50% was for the levee district?
- Glenn Stumpf - It is in a good spot. Willing to lease more than 50%.
- Brian Mehrrens - Can the levee district be considered since they mow a lot of property.
- Matt Kirkwood – It would benefit me just as much as the levee district.
- Mike Kovarik – How can we guarantee that it would only be leased out to the levee district? We would have a severe problem if it was rented out to someone else.
- Glenn Stumpf - It would be fine that if the levee district leases it that the building and the lease would stay if they were to sell the property.
- George Obernagel – Is 20 years long enough?
- Brian Mehrrens - Could there be an option to resign the lease? How long would be long enough?
- George Obernagel – I am not a legal attorney, but 50 years. 20 years is a short term.
- Matt Kirkwood – Not planning on leaving, but if we were to leave, the levee district could buy it.
- Mike Kovarik – Was the board worried about jeopardizing FEMA?
- Chris Voelker – They were concerned with flood proofing when it was just an addition.
- Mike Kovarik – Can we clarify with FEMA?
- Chris Voelker – Can do that prior to the Commissioners meeting.

Motion by George Obernagel, second Mike Kovarik to grant Matt and Melissa Kirkwood a Floodproofing Variance with the condition of FEMA approval and a 30-year lease. Yes – 5, No – 0. Motion Passed.

Dennis Rodenberg opened the Public Hearing concerning Zachary Kellerman-Stines who is requesting a Special Use Exception to operate a commercial kennel (Sec. 40-2-10(S)) to house more than 10 dogs but not more than 20 with the intent to train them as diabetic alert dogs. The property is located at 7330 LL Road, Red Bud, Illinois, Parcel #12-30-300-005. The present zone classification is A-1 Agriculture.

Denise Marshall read the Letter of Intent from the December Planning Commission Meeting

Documents Reviewed:

1. Letter of Intent:

I, Zachary Kellerman-Stines, am requesting the special use of my property at 7330 LL road Red Bud IL 62278 to house more than 10 but

less than 20 dogs. The intent of this is to continue training Diabetic Alert Dogs.

I own Cedar Oak Kennels LLC and our business serves the Nation and World by providing Trained Service Dogs Coast to Coast. We also actively Coach those with Service Dogs through Cedar Oak University. We currently have dogs deployed across the nation and have famously trained Service Dog Thor who is deployed with the youngest American to receive a trained Service Dog. www.CedarOakKennels.com for more information on the business.

Request to use the existing Agricultural Building to house over 10 dogs. The definition of Commercial Kennel does not fit as we will not be Public Boarding, Wholesaling of Dogs, or sale of items of dog related products. However, we will be asking to house over 10 dogs but no more than 20.

The Kennel is a Private Breeder Operation.

Illinois Department of Ag definitions that fit.

"Dog Dealer" any person who sells, offers to sell, exchange, or offers for adoption with or without charge or donation dogs in this state.

"Dog Breeder" any person who sells, offers to sell, exchange, or offers for adoption with or without charge or donation dogs that he/she has produced and raised {A person who owns, has possession of, or harbors 5 or less females capable of reproduction shall not be considered a dog breeder}

"Dog Dealer" applies because at times we import Labradors from the United Kingdom as puppies, raise and train to be Service Dogs.

"Dog Breeder" applies because at times we have more than 5 females in training at the property.

*We Do NOT breed any more puppies than we can train at time. Meaning that if a female has 8-10 puppies, we will not breed another female until there is a 6-month age gap between puppies.

Sound - We previously applied for special use of this property for similar use 3 years ago. The chief complaint of neighbors was sound. We will be asking the board to consider the allowance of a "quiet hours" amendment to our special use permit. If it is found by a County Official or Sheriff's Department that at the Source of Complaint that exceeds 55dB from dogs barking from the above location, the special use permit will be terminated. We would request but are open to suggestions that Quiet Hours be from 9:00 pm to Sunrise.

Illinois Department of Agriculture - We were anonymously reported to the Dept of Ag on three occasions at which we were in violation of not having a permit to be a kennel operation.

However, there were no signs of neglect, abuse, or uncleaned facilities. This took place prior to the first request for a special use permit.

Cedar Oak Kennels LLC has been in complete compliance with the Dept of Ag for three years and has passed all inspections.

We will be in compliance at 7330 LL road Red Bud IL with the Department of Ag as a Kennel operator/Dog Breeder. This will allow us to breed and train imported puppies to be Service Dogs.

We will not board, wholesale puppies to pet stores or other breeders, or be reselling any dog related products from the property.

We do rehome any puppies who do not make our selection process free of charge to vetted homes.

2. Health Department: No new comments since the petition filed in 2018.

3. Soil and Water Conservation Report: NA

4. Effect on Comprehensive Plan: Minimal

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

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

Monroe County Highway: No comment, provided there is no public boarding, sale of dogs or dog related products from the residence as stated in the petition of special use. Otherwise, a new entrance permit will be required for the change to public use.

7. Present Use of Property: residential

Motion by Dan Davis, Karin Callis second to approve the commercial kennel on the property located at 7330 LKL Road, Red Bud, Illinois. Parcel #12-30-300-005. Yes – 0, No – 12.

Motion denied.

Dennis Rodenbeg sworn in those wishing to speak.

- Zachary Kellerman-Stines – I am not in a financial position to stay where I am. I have a capable building at my house. Just want to train dogs. Really wants to move. Good man. Just wants to be left alone. Would go do something else, but this is all he knows. Not in a position to buy a new house. It's not a good idea to have the dogs off site. Just wants to come home and make the money he can.

- George Obernagel – Went by the building. There are neighbors all around. There is no fence. Worried about the neighbors. With 10, 15, 20 dogs, believes there are a lot of issues. In the summer, not sure the buildings are air conditioned. Thinks there is a lot of good, but in the wrong area.
- Mike Kovarik – Looking at 6-7 residences around 20 acres.
- Zachary Kellerman-Stines – The closest neighbor does have a noise complaint. To be in compliance with the state Illinois it would take me a few months. Has fence to put up immediately. Insulation in the building. 55 decibels are what is considered quiet time.
- Vicki Taake – Where is the business being located today and what is wrong with it?
- Zachary Kellerman-Stines - She won't update it. Won't let me put up a fence. Won't be able to afford it if she sells. Just asking for a couple years.
- Russell Gregson – 50 decibels is normal conversation.
- Dennis Rodenberg – Wouldn't someone have to police the quiet time?
- Zachary Kellerman-Stines – The Sherriff's department has been out there. They are going to bark. But it has been made out that my dogs are chaos. I can run this business on 10 dogs, but I have contracts to fulfill. Just asking for a little give for a couple years.
- George Obernagel – Just worried about the value of the neighbors houses if they would want to sell. Respects the business.
- Zachary Kellerman-Stines – Tried to sell my house, but couldn't. The person interested didn't want it because of the neighbors. Apologizes about the past. But here for the future. Helping the community and the country. Gets that he's a burden for the neighbors. Not in a position to break rules and loose the permit.
- Dan Deterding – Neighbor to the south. The war with the neighbors is his fault. Has texts from 2018 when he messaged him about the dogs. He was a bully saying he should have considered it before building. He has never cared about the noises. The barking is constant. Stated to the Sherriff that if they have a problem with the dogs, to call him. People tried to do something with him, but he did want he wanted. No one in the neighborhood wants a dog kennel. It does affect when you try to sell your house and property value.
- Otto Faulbaum – Attorney representing Lucas Leifer, his wife and children. They applaud what he does. It is valuable. It is in a wrong location. His financial situation has nothing to do with this. We have zoning and rules to eliminate chaos. It is a subdivision. The homes are on small lots. In a more rural location would be ideal. Request to deny this request.
- Vicki Taake – Typically a special use is to get them started. In this case it is an established business to bring back to residential.
- Zachary Kellerman-Stines – This is not new to anyone. Trained Lucas Leifer's dog in exchange to write up paper work to adopt his child. Believes he is still a startup business.

Motion by George Obernagel, second Mike Kovarik to deny Zachary Kellerman-Stines a Special Use Exception to operate a commercial kennel (Sec. 40-2-10(S) to house more than 10 dogs but not more than 20 with the intent to train them as diabetic alert dogs. The property is located at

7330 LL Road, Redbud, Illinois, Parcel #12-30-300-005, zone A-1 Agriculture. Yes – 5. No – 0.
Motion passed.

Motion by Mike Kovarik, second Vicki Taake to approve the minutes of December 7, 2022. All
aye by voice vote.

Motion by George Obernagel, second Vicki Taake to adjourn. All aye by voice vote.

Next meeting – February 15, 2023 – 7:30 pm