

Monroe County Board of Appeals February 15, 2023

The Monroe County Zoning Board of Appeals met February 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 Nathan Kemling who is requesting an Area/Bulk Variance to reduce the side setback to 6 feet to build a detached garage. The property is located at 929 Cedar Lake Drive, Waterloo, Illinois. Parcel #07-09-301-013. The present zone classification is A-1.

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

Documents Reviewed:

1. Letter of Intent:

We are contracted with the property owner's Mr. and Mrs. Kemling to build a custom garage on their property 10 feet from their home. The garage is designed to look like their home with same siding, brick and roofing system. The planned building location is marked on the provided plot plans and is in the best useable area due to the slope of the property from back of driveway into the woods.

We respectfully request the approval to build this garage next to the house and existing driveway, roughly six feet from the neighbor's property line. The current design of this garage calls for an eight-foot foundation wall at the rear of the garage which allows for the front of the garage to be level with existing driveway.

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:

Hwy, Dept. No Comment

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

7. Present Use of Property: Residential

Motion by Dan Davis, second Nathan Brinkman to recommend to approve the Petition for Area/Bulk Variance by Nathan Kemling for a 6-foot setback to build a set on the property located at 929 Cedar Lake Drive, Waterloo, Illinois. Parcel #07-09-301-013. Yes – 10, No – 0. Motion passed.

Dennis Rodenbeg sworn in those wishing to speak.

- Nathan Kemling – Doesn't change the current use of the property. It adds to the value of property. The construction will be consistent with the current building. Doesn't see it devaluing any property nearby.
- Vicki Taake – The ask is for the setback to the property line, not the house?
- Chris Voelker – Instead of 20-foot variance, it will be 6 feet.
- Mike Kohler – Neighbor on the other side of the property line. When they are building how are they going to stay off my property. Doesn't mind them building it, but as they are building, he will be on my property. Is he picking up any damages to my property that might occur.
- Chris Kaslin (contractor) – Would dig the opposite side first and will put it in writing that they will pick up any damage. Measured the front corner and there will be 8.5 feet.
- Mike Kohler – The back corner will be less than 6 feet.
- Chris Kaslin – We can work around it.
- Mike Kohler – Wants him to build it, but doesn't want any damage.
- Joe Mansker – Owns the property across the street. Doesn't have an issue with him building it. It's the setback. Less than 6 feet he will trespass on the neighbor's yard. Also, to maintain the property he will have to work off another person's land. Also, in the case of an emergency, getting emergency vehicles will be a problem. Six feet is too narrow, ten feet would be better. Two to four more feet would make things easier for everyone.
- Mike Kovarik – Can Chris go through this with a pointer on the map?
- Chris Voelker – Starting on the fence, it will be angle.
- Chris Kaslin – Can make it straight and take out the fence.
- Chris Voelker – You can see with the colors how the elevation drops immediately.

No further questions

Motion by George Obernagel, second Mike Kovarik to grant Nathan Kemling an Area/Bulk Variance to reduce the side setback to 6 feet to build a detached garage. The property is located at 929 Cedar Lake Drive, Waterloo, Illinois. Parcel #07-09-301-013. The present zone classification is A-1. Yes – 5, No – 0. Motion Passed.

Dennis Rodenberg opened the Public Hearing concerning Ryan and Julie Weber who are requesting a Special Use Exception to operate a commercial stable with no more than 14 horses. The property is located at 6574 Crook Road, Waterloo, Illinois. Parcel #11-23-100-009.

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

Documents Reviewed:

1. Letter of Intent:

My wife, Julie, and I bought our home at 6574 Crook Rd. Waterloo, IL. in December of 2021 with the intention to have a home for our horses and somewhere for our daughter to practice, ride, train horses and give horseback riding lessons in the future. Since we have moved in, we have had several friends contact us wanting a place to board their horses. It was our understanding that being zoned A1 we would be able to have a boarding facility since that is what we thought the previous owner had done with the property.

After talking with our lawyer while setting up our LLC, Wranglers Rustic Stables, we were advised to contact the zoning office to verify that this was allowed with the A1 zoning. I contacted the office and was advised we needed a Special Use permit.

Our intent for this property is to have a place for our personal horses and to board a few of our friend's horses. Our daughter is also training horses and going to be giving riding lessons and hosting clinics for different rodeo events, barrels, roping, etc... Our daughter is very involved in the equestrian industry and is in HS Rodeo, barrel races in several series, and we both love cow sorting. We want to put this LLC in place for our own protection and liabilities.

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 Hwy Dept: As has been custom, I request an entrance permit be required for the change of use. An approved entrance permit should be a condition of approval.

The existing entrance appears to have plenty of sight distance; however, the width is pretty narrow for public use and horse trailers.

7. Present Use of Property: Rural residential

Motion by Dan Davis, second Walter Wetzel to recommend to approve Ryan and Julie Weber a Special Use Exception for commercial stable on Parcel #11-23-100-009 with condition that they will get the entrance permit and no more than 14 animals on the property located at 6574 Crook Road, Waterloo, Illinois. Yes – 10, No – 0. Motion passed.

Dennis Rodenbeg sworn in those wishing to speak.

- Julie Weber – It was summed up, unless there are questions.
- Vicki Taake – How did 14 animals come up? Does it work for them?
- Ryan Weber – It currently works for us.
- Mike Kovarik – How often does the manure have to be removed? Is there a plan?
- Ryan Weber – Currently we spread in on the extra acres for hay.

Motion by Vicki Taake, second George Obernagel to grant a Special Use Exception to operate a commercial stable with no more than 14 horses with the condition that they obtain an entrance permit. The property is located at 6574 Crook Road, Waterloo, Illinois. Parcel #11-23-100-009. 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 Andrew and Christina Large on December 8, 2022. See Section 40-10-39 (2) of the Monroe County Zoning Code

Dennis Rodenbeg sworn in those wishing to speak.

- Chris Voelker – The Larges were granted their special use on December 8, 2022. The 19th it was reported there were 4 trucks there that weekend. The 23rd we received pictures of the trucks. Special use was for no more than 3 trucks. At the time of the pictures he was out of compliance.
- George Obernagel – Wanted to hear his side of the story.
- Andrew Large – Another truck was there for 32 minutes. He needed a tire. Has two months of logs. There's no way to alter them, they are electronic.
- Vicki Taake – How many trucks do you have?
- Andrew Large – My company has 3 trucks. This guy uses my number but is never in my yard. He is operating under my authority. He is located in Springfield. As of yesterday, he took my name off. Didn't realize that someone couldn't come in and out. It wasn't early in the morning or late at night.
- Mike Kovarik – What is with the dump truck.
- Andrew Large – There was only three trucks there. Someone brought the truck down to work on it. There were only three trucks in the driveway. If it was overnight, it was still only three trucks.
- Dennis Rodenberg – We have a picture of 4 trucks sitting there.
- Andrew Large – His lights are on, he was getting fuel. He was circling the building. He was ready to pull out.

- Harold Klotz – Owns property along Hill Castle. Has a few pictures to show. As well as parking trucks, he goes across my field.
- Robert Eschmann - Wants the one noisy truck quieted down. No one would be here if it wasn't for that. By law he has to have a muffle on it.
- Chris Shaw – Just this morning I counted less than 3 minutes with the trucks. It is all over in three minutes. This man is making a living. I live there. There are grain dryers and other stuff that is not a problem.
- Andrew Large – We have been leaving later in the morning. I am trying to do what they want. But I don't think it will ever be what they want.
- Vicki take – Have you put any effort to put on the muffle?
- Andrew Large – Not yet, I have two years. Why throw money at something when it is doing its job.
- Dennis Rodenberg – To make your neighbors happy.
- Andrew Large – Understand, but it will just be another issue they have. It is way more than that.
- George Obernagel – Brought here for 4 trucks.
- Harold Klotz – Showed on the map the property. Picture from google maps. Was taken in spring 2022. Arrow showing the area of concern. Concern of not staying on the road. Showed a recent picture. Showing the damage and the rock. Also, showed a big pothole.
- George Obernagel – wouldn't there be a rut? How far in the field is he?
- Harold Klotz – There is a rut.
- Andrew large – Is there a county easement with the ditch.
- Chris Voelker – The road would have a set back
- Harold Klotz – there is a private road.
- Dennis Rodenberg – Basically the curve is too sharp for the trailers.
- George Myers – Trucks go next to my house every day. The straight pipes rattle my house. Apparently, no one can do anything about the noise.
- Chris Lutz (Monroe County Sheriff's Department) – Every truck must have a muffle.
- Andrew Large Jr. – Goes to weight stations every day and never has a problem. If I was going into the field, I would get stuck.
- Andrew Large – it is a very busy road.
- Jerod Stewart – Talked about the drain at the last meeting. It was not fixed correctly and not there are big pot holes. Not complaining about it and is on my property. I had it surveyed a couple months ago. Showed his property on the map.
- Chris Voelker – Jerod Stewart actually owns the road.
- Jerod Stewart – Had the property surveyed, believes the stake is accurate.
- George Obernagel – The ruts are on your property.
- Jerod Stewart – Correct.
- Lucas Leifer – Is there any dispute that there are 4 trucks in the photo?
- Andrew large – Correct there are 4, but he stayed 32 minutes.
- Dennis Rodenberg – Approved for 3 trucks, only a couple weeks later had 4.

- Andrew Large – If I wouldn't know helping the man would've caused this, I wouldn't have let him come.
- Mike Kovarik – Where else could you park the straight pipe truck.
- Andrew Large – I don't have anywhere, it would hurt me.
- Vicki Taake – If you keep upsetting the neighbors you won't be able to keep the special use.
- Andrew large – This goes way beyond the trucks.
- Lucas Leifer – Is there anywhere in the special use for 30 minutes, etc.?
- Andrew Large – That would help.
- George Obernagel – Really torn on this one. The fourth truck was only there 30 minutes. But doesn't want to see this ever again, I would pull it. Understand helping people. It wasn't there overnight. The truck issue is what is brought up tonight.
- Ryan Webb – The board does have the ability to amend the Special Use.
- Vicki Taake – Your business seems to have more than three trucks.
- Andrew Large – I had 4 under my authority. As of yesterday, he went a different way.
- Mike Kovarik – Would like to amend it with 6 months to fix the muffle.
- Dennis Rodenberg – Fix the muffle and make the neighbors happy.
- Lucas Leifer – Can define the trucks in the Special Use.
- Chris Voelker – That 4th truck said Large Trucking.

Motion George Obernagel, second Mike Kovarik to allow Andrew and Christina Large to continue the Special Use Exception with the condition they provide the license numbers of the three trucks and if they change, they must provide the new number. They are also to have the straight pipe corrected within six months. 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. See Section 40-10-39 C (2) of the Monroe County Zoning Code.

Sworn in those wishing to speak

- Chris Voelker – Sheriff's office contacted him – there is full time living at the Freedom Lake. In 2006 there was a special use for a camper. Read two definitions of a traveling trailer park. Definition is seasonal and temporary.
- Dennis Rodenberg – There is not a limit of days.
- Frances Gruber – Didn't know this. Has an Illinois state park license. Never had a problem in 17 years. Came from taking in people who didn't have a place to go. Took him in because he was a veteran and didn't have a place to go. Didn't want them to live in the streets. Has fishing permits and state park license.
- Dennis Rodenberg – Gave a special use.
- Chris Voelker – Should have received a copy, but it is public.

- Frances Gruber – Deputies come out there when the ambulance is called and after his hospital stay they bring him back.
- Annette Gruber – The other man out there was abused and is not mentally stabled.
- Dennis Rodenberg – Wife worked for the VA and if veterans are having problems they will help them.
- Frances Gruber – The other person out there just had a liver transplant.
- Dennis Rodenberg – What about the sewer.
- Frances Gruber – has 7 Port-a-Potties J&J pumps it out. Also has a shower house out there.
- Chris Anderson – The picture is a propane tank.
- Chris Voelker – The original letter of intent he was going to get building, but we have never had an application for a building permit.
- Chris Anderson – Do we have to have a building permit for a building on a skit.
- Chris Voelker – If it is over 100 square feet.
- Frances Gruber – But you didn't back then.
- Eric Sutton – Showed the buildings that they are paying taxes for and the buildings they are not.
- Mike Kovarik – Is this property zoned multi-family?
- Chris Voelker – It is single family.
- Mike Kovarik – We have compassion for those that are in hard times, but this will run throughout the county. Was is a reasonable time for them to find another place?
- Frances Gruber – Not sure.
- Chris Voelker – This is for temporary houses. There are buildings technically being rented out that should be paying taxes.
- Chris Lutz – Pulled the calls of service for the past 5 years. Find it difficult to believe that a sheriff would take someone homeless to Freedom Lake. Would be reaching out to churches and House of Neighborly services. Have multiple calls with the subject discuss. Had a brother in Missouri that he refused to live with. Extends past this one gentleman. Personally, had contact with him. Multiple attempts to get him help, but he refused. With sheriff for 20+ years. Showed a stack of calls from Freedom Lake and from Sportsman Club. July of last year for discharging a shotgun in a dispute. One of the witness identified him as Mr. Grubers right hand man and the manager of the part and has lived there for 3years. Shortly after the July incident called out there for a domestic dispute. She said they aren't allowed to call the police because Mr. Gruber doesn't want them out there. Two different people have said that.
- Frances Gruber – She is a liar. She sold her camper to a woman in Dupo and then sold it again. She's a thief.
- George Obernagel – Is it mostly a problem with the three properties or with campers? Are there issues with the people who come and fish and are campers?
- Chris Lutz – Mostly the three. Other people come and go.
- George Obernagel – why would I want to come out there to camp with all of these issues.
- Dennis Rodenberg – How many permanent residents are there?

- Frances Gruber – About 14. Has traveling nurses.
- Chris Anderson – There are some folks that have a camper with a deck and are only there on the weekend. Of the 14 he is talking about, those that come on the weekend are included. More like a clubhouse.
- Frances Gruber – Some people have their campers there and never come out.
- Dennis Rodenberg – they are supposed to be travel trailers. That is a mobile home park.
- Mike Kovarik – can't we make them rip the decks down. My problem is the permanent residents. Probably have to give them 90 days to get out.
- Frances Gruber – How long can they stay?
- Chris Voelker – The permit says seasonal.
- Russell Gregson – Doesn't have a problem with those that are camping. It's those that are permanently living there.
- Chris Voelker – Has a camper and pays a certain amount per day.
- Lucas Leifer – It is a camp ground, not a mobile home park.
- Dennis Rodenberg – Can we amend it that they have to move after 60 day.
- Ryan Webb – Can, but probably don't in this case because the wording is already there.
- Dennis Rodenberg – Mentioned that there are three people there.
- Lucas Leifer – Can't pick on individual people
- Annette Gruber – One has attempted suicide when they tried to have him removed.
- Lucas Leifer – This is your property. You are responsible for it.
- Dennis Rodenberg – They are causing you a lot of grief.
- Chris Voelker – Travel trailer park permitted only by special use permit. Mobile Home park has to be in that zone.
- George Obernagel – Them staying out there permanently is violating the codes.
- Chris Voelker – That isn't the intent of the special use.
- Chris Anderson – The Sportsman has a spot where you can store a long-term camper. If we get rid of the decks, can we have a spot to store the campers in between the use.
- Lucas Leifer – Not here to give advice

Russel Gregson motion, second George Obernagel to table until the next meeting. Yes – 5, No-0. Motion passed.

Dennis Rodenberg opened the Public Hearing concerning Eric Knaust who is requesting a Wet Floodproofing Variance to build a pole barn. The property is located at 205 Lagon Road, Valmeyer, Illinois. Parcel #09-09-200-001. The property is currently zoned I-1.

- Chris Voelker – He wants to replace a shed. Owns 10.74 acres. Couldn't make the meeting 2/1/22. It was denied at that meeting.
- Eric Knaust – The existing building was is falling down. Nothing is going to change. The man who farms his land, needs to store his chemicals in there.
- Dennis Rodenberg – We have been sticking to farmers and duck hunters.

- Eric Knaust – Then why did you let someone else. Has a structure already there.
- Chris Voelker – The other person farms and excavates.
- Eric Knaust – I have a farmer. He rents from me.
- Dennis Rodenberg – If you can't bring us a letter from the farmer with the lease.
- Eric Knaust – I am not going to lease it to Bruce. He rents my ground, I will help him out.
- Mike Kovarik – If we don't do it by the book, we have strict interpretation with the flood insurance program.
- Eric Knaust – I want to redo the shed that is already there. It was built in 1970. It is rough. Not changing the footprint.
- Dennis Rodenberg – Basically you are going to remodel it.
- Mike Kovarik – Would like to have a letter of intent that it is being used as for farm purpose.
- Eric Knaust – I am just trying to make it look nice.
- Dennis Rodenberg – Thinks we should table it until next month, with the letter of intent. What happens if Bruce retires? We don't want to get in trouble.

George Obernagel motion, second Mike Kovarik to grant Eric Knaust a Wet Floodproofing Variance to build a pole barn with the condition he provides a letter of intent that the building will be used for farming. The property is located at 205 Lagon Road, Valmeyer, Illinois. Parcel #09-09-200-001. The property is zones I-1. Yes – 5, No – 0. Motion passed.

Motion by Vicki Taake, second Dennis Rodenberg to approve the minutes of January 4, 2023. All aye by voice vote.

Motion by George Obernagel, second Russell Gregson to adjourn. All aye by voice vote.

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