

CLINTON COUNTY ZONING BOARD OF APPEALS
Clinton County Board Room
(County Jail)
810 Franklin St.
Carlyle, IL 62231

AGENDA

June 6, 2018 – 7:30 p.m.

Wayne Michael, Chairman

- 1. CALL TO ORDER**
- 2. ROLL CALL OF MEMBERS**
- 3. APPROVAL OF MINUTES**
- 4. PUBLIC HEARINGS – ADMINISTER OATH**

CASE 9T: Request for a text amendment submitted by Clinton County Zoning Committee, 850 Fairfax, Carlyle, IL 62231 to amend the Clinton County Zoning Ordinance as follows:

ARTICLE IX – BOARD OF APPEALS AND SPECIAL PROCEDURES

DIVISION III - SPECIAL USE PERMITS

DELETE THE FOLLOWING:

40-9-16 **NATURE OF SPECIAL-USES.**

Such "special uses" require careful case-by-case review, and may be allowed only by the Clinton County Zoning Board of Appeals.

40-9-19 **FACTORS CONSIDERED.** The Zoning Board of Appeals shall consider the following factors in making their decision on whether to grant a Special Use Permit:

40-9-20 **FINDINGS OF FACT, TERMS OF RELIEF, REPORT OF RECORD.** The Zoning Board of Appeals shall render a decision on every Special Use Permit within a reasonable time after the public hearing on the application and a Report of Record shall be made

and retained on file by the Zoning Administrator. A copy of the Report of Record shall be provided to the owner/applicant and copies transmitted to the County officials or other as required.

ADD THE FOLLOWING:

40-9-16 NATURE OF SPECIAL-USES.

Such "special uses" require careful case-by-case review by the Clinton County Zoning Board of Appeals. The Zoning Board of Appeals shall submit an advisory report to the County Board for the special use permit to be approved or rejected.

40-9-19 FACTORS CONSIDERED. The Zoning Board of Appeals shall consider the following factors in submitting their advisory report to the county board:

40-9-20 ADVISORY REPORT. Within a reasonable time after the public hearing, the Board of Appeals shall submit the advisory report to the County Board. Said advisory report shall include a recommendation regarding adoption or rejection of the proposed amendment, and the reasons therefor. If the proposed amendment involves a rezoning, the advisory report shall include findings of fact concerning each of the following matters:

- (A) Existing use(s) and zoning of the property in question;
- (B) Existing use(s) and zoning of other lots in the vicinity of the property in question;
- (C) Suitability of the property in question for uses already permitted under existing regulations;
- (D) Suitability of the property in question for the proposed use;
- (E) The trend of development in the vicinity of the property in question, including changes (if any) which may have occurred since the property was initially zoned or last rezoned;
- (F) The effect the proposed rezoning would have on implementation of the County Comprehensive Plan.

ACTION BY COUNTY BOARD. The County Board shall act on every special use at their next regularly scheduled meeting following submission of the aforementioned advisory reports. The County Board may grant the application hereinafter provided with or without conditions, deny the application, or refer the application back to the Zoning Board of Appeals for further study and consideration. Without further public hearing, the County Board may pass any proposed special use by simple majority vote.

CASE #1: Request for a variance (40-3-6) submitted by Paul Hustedde, 4107 Lee Rd, Trenton, IL, 62293 to reduce setback from center line of Lee Rd from 75' to approx. 24'. Also, to reduce the setback of the front property line from 50' to approx. 13'. Property is located in Sugar Creek Township off of Lee Rd and is zoned Agricultural. Property is owned by Paul Hustedde.

Location of property:

Commencing at the Northeast corner of said Northeast Quarter of Section 3; thence, West along the North line of said Northeast Quarter 700.00 feet to the point of beginning; thence, South, Parallel with the East line of said Northeast Quarter, 2714 feet; thence, East, parallel with the North line of said Northeast Quarter, 700 feet, more or less to the East line of said Southeast Quarter of Section 3; thence, South along said East line of the Southeast Quarter, 1132 feet, more or less to the Northeast corner of Hidden Acres Estates; thence, West

Along the perimeter of Hidden Acres Estates, 1336.3 feet to the Northwest corner of Lot 23 in said Hidden Acres Estates; thence, North along the East line of Lot 24 in said Hidden Acres Estates, 836.02 feet to the Northeast corner of said Lot 24 in Hidden Acres Estates; thence, North along the East line of a tract of land conveyed to Robert and Kim Rensing in Document No. 1996R3924 of the Clinton County, Illinois records, 495 feet, more or less to the Northeast corner of said Rensing property; thence, West, along the North line of said Rensing property, 135.00 feet; thence, North, 1866 feet to a point that lies 1415 feet West of the East line of said Northeast Quarter of Section 3; thence, Northwesterly, 835 feet to a point on the North line of said Northeast Quarter of Section 3 that lies 1220 feet West of the point of beginning; thence East, along said North line of the Northeast Quarter of Section 3, 1220 feet, more or less to the point of beginning, containing 83 acres, more or less.

And also Except part of the Northeast Quarter of the Northeast Quarter of Section 3, Township 2 North, Range 5 West, of the Third Principal Meridian, Clinton County, Illinois, described as follows: Beginning at the Northeast corner of said Northeast Quarter of the Northeast Quarter; thence North 90°00'00"West (bearing assumed) along the North line of said Northeast Quarter of the Northeast Quarter, 430.81 feet; thence South 00°06'01"East, 162.10 feet; thence South 90°00'00"East, 430.81 feet to the East line of said Northeast Quarter of the Northeast Quarter; thence North 00°06'01"West, 162.10 feet to the point of beginning, containing 1.60 acres, more or less.

CASE #2: Request for a variance to build a shed on non-conforming lot (40-7-2) submitted by Nicholas Tebbe, 6600 Cemetery Rd, Aviston, IL 62216. Also, requesting to relax the front (north) property line to 10' and relax the east side property line to 15' (40-3-14). Property is located in St Rose Township off Cemetery Rd and is currently zoned Agricultural. Property is owned by Nicholas Tebbe.

Location of property:

Part of the Fractional Southwest Quarter of Sec. 19, Township 3 North, Range 4 West of the 3rd P.M., Clinton County, Illinois, described as follows:

Commencing at the Southeast corner of said Fractional Southwest $\frac{1}{4}$; thence N. 00 11'44" W., (bearing assumed) along the East line of said Fractional Southwest $\frac{1}{4}$,

964.70 feet to the point of beginning; thence, continuing N. 00 11' 44" W., along said East line, 181.66 feet to the Southeast corner of a tract of land deeded to Nicholas & Michelle Tebbe, recorded as Deed Record 98R4954 of the Clinton County, Illinois, Recorder's Office; thence, N. 87 51'48" W., 150.00 feet to the Southwest corner of said Tebbe tract: thence, N. 00 11'44"W., 145.00 feet to the Northwest corner of said Tebbe tract; thence, N. 87 51'48" W., 50.04 feet; thence, S. 00 11' 44"E., 326.66 feet; thence, S. 87 51'48" E., 200.04 feet to the point of beginning, according to the Plat of Survey thereof recorded February 25, 2008 as Document No. 2008RO1128 in Plat Envelope 640 containing 1.00 acre, more or less.

CASE #3: Request for a special use (40-9-16) submitted by Ken & Marlene Holtgrave, 17815 Spanker Branch Rd, Aviston, IL 62216 to allow a 8 x 20 shipping container to store lumber, straw and small tools. Also, requesting to reduce rear setback (40-3-14) from 25' to 5' to allow for shipping container. Property is currently zoned Agricultural and is owned by Ken & Marlene Holtgrave.

Location of property:

Part of the Northwest Quarter of the Northeast Quarter of Section 30, Township 3 North, Range 4 West of the Third Principal Meridian, Clinton County, Illinois, described as follows:
Commencing at the N.E. corner of said N.W.1/4 of the N.E.1/4; thence, S.03°12'31"E., (bearing assumed) along the East line of said N.W.1/4 of the N.E.1/4, 849.15 feet to the point of beginning; thence, continuing along said East line, S.03°12'31"E., 209.00 feet; thence, S.86°47'29"W., 401.98 feet; thence, N.35°15'23"E., 251.95 feet; thence, N.84°03'17"E., 245.54 feet to the point of beginning, containing 1.5 acres, more or less.

CASE #4: Request to build a single family dwelling on a non-conforming lot in an Agricultural area (40-7-2) submitted by Linnie Hixenbaugh, 1504 W McCord, Centralia, IL 62801. Property is located at 8722 Joliff Bridge Rd, Centralia, IL 62801 and is zoned Agricultural. Property is owned by Linnie Hixenbaugh.

Location of property:

Part of the Southeast Quarter of the Northwest Quarter of Sec. 12, T1N, R1W of the 3rd P.M., Clinton County, Illinois, more particularly described as follows:
Commencing at an iron pin set previously at the Northwest corner of the Southeast Quarter of the Northwest Quarter of Sec. 12, thence South on an assumed bearing of S 2°46'33" E., a distance of 30.86 feet to an iron pin previously set, said point to be known hereinafter as the Point of Beginning; thence continuing S 2°46'33" E. a distance of 250 feet; thence S 89° 45'14" E., a distance of 270 feet; thence N 2° 46'33" W., a distance of 250 feet; thence N 89°45'14" W., to the point of beginning, enclosing an area of 1.56 acres, more or less.

CASE #5: Request for a variance (40-3-14) submitted by Richard J Goestenkors, 7437 White

Pine Lane, Bartelso, IL 62218, to increase accessory use height restriction from 17' to 20.5' for a shed. Property is zoned R-1 and is owned by Richard J Goesten Kors.

Location of property

Lot Number 2 and Lot Number 3 of Hickory Hollow II Subdivision, being a part of the East One-half of the Southeast Quarter of Section 17, Township 1 North, Range 3 West, Third Principal Meridian, Clinton County, Illinois, as platted on Plat of Subdivision prepared by Abacus Professional Services dated September 16, 1999 and recorded September 21, 1999 at 1:38 P.M. as Document #99R6333 in Plat Envelope 548-D of the Clinton County, Illinois records.

Less and Except the following described parcels:

Parcel 1: Part of Lot 3 in Hickory Hollow Subdivision and part of the East half of the Southeast Quarter of Section 17, T1N, R3W of the 3rd P.M., Clinton County, Illinois, being more particularly described as follows: Beginning at a concrete monument marking the southwest corner of said Lot 3, thence westerly along the extended south line of said Lot 3 having a recorded bearing of N. 89° 54' 05" W., 35.71 feet to a point; thence N. 07° 09' 49" E., 40.31 feet to an iron pin and cap; thence S. 89° 54' 05" E., along a line parallel with the south line of said Lot 3 a distance of 154.11 feet to an iron pin and cap on the west right of way line of White Pine Lane, being a 60.00 feet radius curve; thence southeasterly along said curve, concave to the northeast, central angle of 70° 31' 43", 73.86 feet (the chord bears S. 54° 38' 13" E., 69.28 feet) to an iron pin and cap marking the southeast corner of said Lot 3; thence N. 89° 54' 05" W., along the south line of said Lot 3, a distance of 179.93 feet to the point of beginning, containing 0.16 acres, more or less; and

Parcel 2: Part of the East half of the Southeast Quarter of Section 17, T1N, R3W of the 3rd P.M., Clinton County, Illinois, being more particularly described as follows: Beginning at a concrete monument marking the northwest corner of Lot 1 in Hickory Hollow Subdivision; thence southerly along the west line of said Lot 1 having a recorded bearing of S. 00° 57' 59" E., 449.44 feet to an iron pin and cap; thence S. 89° 02' 01" W., 100.00 feet to an iron pin and cap; thence N. 07° 09' 49" E., 454.67 feet to a point on the extended south line of Lot 3 in Hickory Hollow II Subdivision; thence S. 89° 54' 05" E., along said extended south line 35.71 feet to the point of beginning, containing 0.70 acres, more or less.

CASE #6: Request for a variance (40-3-14)(B2) submitted by Penn Builders, LLC 224 Fairington Dr, Troy, IL 62294, to allow a detached garage to be located approx 14' closer to front curb than existing home. Property is located at 12734 Rolling Hills Dr, Trenton, IL 62293 and is zoned R-1. Property is owned by Paul & Heather Hooks.

Location of property:

A tract of land being part of the Northwest Quarter of Section 21, Township 2 North, Range 5 West, of the Third Principal Meridian, Sugar Creek Township, Clinton County, Illinois, more fully described as follows, to-wit:

From a point 330 feet North of the center of Section 21, said point being on the North and South centerline of said Section measure: South 89 degrees 51 minutes West for a distance of 370.88 feet; thence South 5 degrees 39 minutes West for a distance of 78.22 feet; South 89 degrees 53 minutes West for a distance of 80.00 feet; North 77 degrees 20 minutes West for a distance of 71.17 feet; North 63 degrees 57 minutes West for a distance of 100.00 feet; North 37 degrees 39 minutes West for a distance of 92.63 feet; South 76 degrees 27 minutes West for a distance of 240.00 feet to the point of beginning; thence continuing South 76 degrees 27 minutes West for a distance of 206.24 feet; South 0 degrees 35 minutes West for a distance of 301.70 feet; South 89 degrees 25 minutes East for a distance of 200.00 feet; North 0 degrees 35 minutes East for a distance of 352.06 feet to the point of beginning.

CASE # 7: Request for a map amendment (40-9-30) submitted by Blue Mound, LLC 7803

Cemetery Rd, St Rose, IL 62230 to rezone +/- 6.84 acres from Commercial to Residential (R-2). Property is located off St Rose Rd in the municipality of St Rose and is currently zoned Commercial. Property is owned by Blue Mound, LLC.

Location of property:

Part of the Northwest Quarter of Section 28, Township 3 North, Range 4 West of the Third Principal Meridian, Village of St. Rose, Clinton County, Illinois, described as follows:

Beginning at the Southeast corner of Lot 30 of St. Rose Terrace No. 1, a subdivision recorded in Plat Book E, page 66 in Plat Envelope 207 of Clinton County Records; thence, S.88°19'14"E. (bearing assumed), along said South line of St. Rose Terrace, 308.74 feet to the Northwest corner of a tract recorded in Document No. 2015R04203; thence, S.01°22'11"E., 188.21 feet to a Southwest corner of said tract; thence, S.88°19'14"E., 121.73 feet to a corner of said tract; thence, S.01°37'23"E., collinear with a West line of said tract, 298.66 feet; thence, S.56°45'34"E., 287.36 feet to the East line of a tract recorded in Document 93R1490 of said County Records; thence, S.01°37'20"E., 20.03 feet to the Southeast corner of said tract; thence, N.88°10'39"W., along the South line of said tract, 743.01 feet; thence, N.01°19'20"W., collinear with the East line of a tract recorded in Deed Book 224, page 99 of said County Records, 280.43 feet to the Northeast corner of said tract; thence, S.88°16'03"E., collinear with the North line of said tract, 93.48 feet; thence, N.01°19'43"W., 216.66 feet; thence, N.22°33'09"W., 54.60 feet; thence, N.01°19'43"W., 108.68 feet to the point of beginning, containing 6.84 acres, more or less.

CASE # 8: Request for a variance (40-3-6) submitted by Glenn Sandheinrich, 82 Gillette Field Close, Weldon Spring, MO 63304 to reduce setback from 7' to 2' to allow for a 22' x 31' carport. Property is located at 3 Fisherman Dr, Carlyle, IL 62231 and is zoned R-3. Property is owned by Glenn Sandheinrich.

Location of property:

Lot Thirty-Nine (39) in Edgewater Beach Subdivision, being a part of the northeast quarter of the northeast quarter of Section Six (6), Township Two (2) North, Range Two (2) West of the Third Principal Meridian, as recoded in the office of the recorder of Clinton County, Illinois, Plat record "E", on page 85.

CASE #9: Request for a variance (40-3-13) submitted by Glenn Mank, 8023 Jefferson Rd, Freeburg, IL 62243 for portable shed on property without principle dwelling. Property is located at 19608 Kay Ln, Carlyle, IL 62231 and is zoned R-3. Property is owned by Glenn Mank.

Location of property:

Lot 531 in Harbor Light Bay No. 5 being a subdivision in part of the Northeast Quarter (NE 1/4) of Section 15, Township 3 North, Range 2 West of the Third Principal Meridian. Situated in Clinton County, Illinois. Except all coal, oil, gas, and other minerals.

CASE #10: Request for a special use (40-4-3) submitted by Mark, Jill, Samantha, Kate and Grace Timmermann for a rented seasonal dwelling for short-term rental at 14201

Frogtown Rd, Carlyle, IL 62231. The property is zoned Agricultural and owned by JMT Enterprises, LLC, 1232 N Elm, Breese, IL 62230.

Location of property:

Part of the East Half of the Southeast Quarter of Section 12, Township 2 North, Range 4 West of the Third Principal Meridian, Clinton County, Illinois, described as follows:

Commencing at the Southeast corner of said Southeast 1/4; thence, N.00°59'58"W., (bearing assumed) along the East line of said Southeast 1/4, 679.84 feet to a point on the boundary of the Right-of-Way deeded to the State of Illinois in Deed Book 150, page 447 of Clinton County, Illinois, Records for Frogtown Road, said point being the point of beginning; thence, continuing N.00°59'58"W., along said East line of the Southeast 1/4, 1980.62 feet to the Northeast corner of said Southeast 1/4; thence, N.88°01'37"W., 1328.76 feet to the Northwest corner of said East 1/2 of the Southeast 1/4; thence, S.00°59'08"E., 2663.28 feet to the Southwest corner of said East 1/2 of the Southeast 1/4; thence, S.88°08'59"E., along the South line of said Southeast 1/4, 1196.12 feet to a point on the West line of said Right-of-Way deeded to the State of Illinois for Frogtown Road; thence, along said Right-of-Way line, as follows: N.09°58'25"E., 278.31 feet; N.44°00'02"E., 35.36 feet; N.00°59'58"W., 275.00 feet; N.11°24'29"E., 102.39 feet; N.89°00'02"E., 33.00 feet to the point of beginning, containing 79.94 acres, more or less.

5. OTHER BUSINESS

6. PUBLIC COMMENTS

7. ADJOURN