EDWARDSVILLE ZONING BOARD OF APPEALS  
Meeting Minutes  
6/24/19  
7:00 PM  
Approved: 7/22/2019

I. ROLL CALL:

Present  
B. Hotz, Chairman  
A. Robertson, Vice Chairman  
C. McCaskill  
J. Krebs  
M. Pierceall  
T. Butts  
E. Williams, Staff  
C. Porter, Staff  
T. Kehrer, Staff  
H. Williams, 1201 N. 2nd St., Edwardsville, IL  
J. Dorsey, 7656 Bordeaux, Edwardsville, IL  
J. Duty, 200 Matterhorn Ct., Glen Carbon, IL  
D. Redden, 1925 Applegate, Edwardsville, IL  
W. Kreutzberg, 7319 Marine Rd., Edwardsville, IL  
K. Kreutzberg, 7319 Marine Rd., Edwardsville, IL  
R. Siergiej, 200 Lakefront Pkwy., Edwardsville, IL

Absent  
J. Zimmerman

II. APPROVAL OF MINUTES

Minutes of the regular meeting for April 22, 2019 are hereby approved and passed.

III. ZONING CASES

A. Case 2019-15 – Variance

Applicant: Jonathan Fowler on behalf of North Main Street Properties

Location: 1201 N Main Street  

Existing Zoning & Use: The subject property is zoned B-2 Commercial/Business District and is a vacant commercial building and site.

Variance Request: The requested 38-foot variance would allow the proposed commercial building to be constructed 12 feet from the front
property line along North Main Street rather than the required 50 feet.

AREA LAND USE AND ZONING:
Surrounding properties:

<table>
<thead>
<tr>
<th>Direction</th>
<th>Zoning Classification</th>
<th>Current Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>B-2 Commercial/Business District</td>
<td>Commercial Businesses &amp; Manny Jackson Center for the Humanities</td>
</tr>
<tr>
<td>South</td>
<td>R-2 Multiple Family Residential District</td>
<td>Apostolic Tabernacle Church &amp; Non-Conforming Single Family Residences</td>
</tr>
<tr>
<td>East</td>
<td>B-2 Commercial/Business District</td>
<td>Non-Conforming Uses: Apartments &amp; Single Family Residence</td>
</tr>
<tr>
<td>West</td>
<td>B-2 Commercial/Business District</td>
<td>Vacant Commercial Building &amp; Single Family Residence</td>
</tr>
</tbody>
</table>

PLANNING CONSIDERATIONS:
The Comprehensive Plan shows this property as being within the Neighborhood district. The existing zoning is in agreement with the Comprehensive Plan.

Robert Siergiej of Donco was present to speak on behalf of the applicant. He stated the Historic Preservation Commission asked them to move the building up to that area to go along with the rest of the buildings around there.

APPLICABLE LIMITATIONS OF VARIATIONS:
To permit any yard of less dimension than the minimum as stated by the applicable standard.

ZONING BOARD OF APPEALS STANDARDS FOR VARIANCE:
1. The particular physical surroundings, shape or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or loss of revenue, if the strict letter of the regulations were carried out.

   *The proposed commercial building would be constructed with a 12-foot front setback, comparable to other properties in the surrounding neighborhood.*

2. The condition upon which the requested variance is based would not be applicable, generally to other property within the same zoning classification.
This site is a compilation of lots for redevelopment. The site has a total combined lot depth of 208 feet with a total combined lot width of 386 feet. The requested reduced front yard setback is similar to the established setback of development along North Main Street as it transitions from B-1 Central Business District to the south to the less dense B-2 Commercial/Business district of North Main Street.

3. The alleged difficulty or hardship has not been created by any person presently having an interest in the property.

The development within this portion of the City of Edwardsville occurred as the original town of Edwardsville was settled in the early 1800’s. The applicant desires to redevelop the assembled lots for a restaurant use and the proposed setback of 12’ from the front property line is appropriate to maintain the historic character of this area.

4. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

The requested reduction in front setback would not be detrimental to the public welfare or injurious to other properties within the area.

5. The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

The proposed variance would not.

6. The proposed variance complies with the spirit and intent of the restrictions imposed by this code.

The applicant has requested a deviation that is consistent with the existing development along this area of North Main Street. The requested front setback variance would allow building placement on this site that would be comparable to other structures along this area of North Main Street.

7. There is no self-imposed hardship.

This may be considered a self-imposed hardship because the applicant was aware of the setbacks for the B-2 Commercial/Business District at the time the property was acquired. However, the developer is working to blend the setback of the redeveloped site with other properties along this stretch of North Main Street. See staff discussion for additional insights.

STAFF DISCUSSION:
The applicant has requested the variance to reduce the required front setback in order to construct a commercial building with a 12 foot setback. The site is located within an area that consists of a mix of uses and which may be considered for rezoning to the proposed
“Downtown Mixed Use District (MU1),” which allows for front setbacks of between 0 and 15 feet. While the requested variance does not meet the current B-2 zoning district standards and may be considered a self-imposed hardship, the applicant has requested a variance that is consistent with the existing historic character and pedestrian friendly environment and with the potential future zoning regulations.

**STAFF RECOMMENDATION:**
It is Planning staff’s recommendation that the requested reduction of the front setback from 50-feet to 12-feet is in character with the surrounding area and of minimal impact and should therefore be approved.

Bob Hotz asked about the dumpster enclosure immediately adjacent to the residences. He asked if that is something that should even be considered. Cheryl Porter stated the residences are a non-conforming use. She said as they are reviewing the building permit plans, that would be something that could be addressed then.

Bob Hotz also noted the width of the entrances being proposed. He suggested they be widened to get traffic in and out as quickly as possible.

Mike Pierceall said with everything else on the site plan, it is pushed back where there is no green space on Main Street and there will be trees along there. Eric Williams stated on the Lincoln Street side of the property they are working with the developer to acquire an additional 10 feet of right-of-way so a sidewalk can be put in.

Tom Butts commented that he is very happy this is being done.

Motion to approve as presented (Robertson), seconded (McCaskill).

VOICE ROLL CALL: 6 Ayes, 0 Nays, 0 Abstain.

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**B. Case 2019-16 – Special Use Permit**

*Applicant:* Gateway Legacy Christian Academy

*Location:* 7325 Marine Road

*Special Use Permit:* The Special Use Permit is to allow the use of the former “Ruth’s House of Edwardsville” site at 7325 Marine Road as a dormitory for Gateway Legacy Christian Academy, in an R-2 Multiple Family Residential District.

*Existing Zoning:* R-2 Multiple Family Residential District
2010 Comprehensive Plan: The 2010 Comprehensive Plan Future Land Use Map identifies this property area as “Neighborhood”.

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<td>North</td>
<td>Madison County Zoning Jurisdiction – Agricultural Preserve District</td>
<td>Madison County: (Single-family residences)</td>
</tr>
<tr>
<td>South</td>
<td>B-2 Commercial Business District</td>
<td>Commercial Use (Moose Lodge) &amp; vacant commercial property</td>
</tr>
<tr>
<td>East</td>
<td>Madison County Zoning Jurisdiction – Agricultural Preserve District; City of</td>
<td>Madison County: Vacant property; City of Edwardsville: Single-family residence</td>
</tr>
<tr>
<td></td>
<td>Edwardsville: R-1 Single Family Residence District; and B-2 Commercial Business District</td>
<td>Commercial Use (Moose Lodge)</td>
</tr>
<tr>
<td>West</td>
<td>Madison County Zoning Jurisdiction – Agricultural District &amp; Agricultural Preserve District</td>
<td>Madison County: (Single-family residences)</td>
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Jackie Duty was present to speak on behalf of the applicant. She is the Chief International Development Director for Gateway Legacy Christian Academy. The school was started 14 years ago with a vision. It had 6 students at that time. Three were the children of the pastors who had started it. Four years ago international students were brought in. Many different sports were brought in as they continue to grow and develop. After 4 years of having a soccer team, they are the #1 Christian School in the country and the #9 Preparatory Academy. They are wanting to grow their academic portal focusing on their 3 tracks: sports, business/entrepreneurial, and medical. This facility would mostly serve as housing for their academic students.

Mike Pierceall asked what the capacity would be. Duty stated it would be about 60 students.

Jordan Dorsey of Dover Development, owner of the building, spoke on behalf of the applicant as well. They purchased the building in 2016 from Hospice of Southern Illinois. It sits on 17 acres. The building has been vacant since November 2018. He stated they were impressed with Gateway’s mission and what they are trying to do.

William Kreutzb erg spoke in opposition to this. He lives in the property to the west of the facility. He expressed concern with the number of students that would be residing there. He asked what the house on the property would be used for. Duty responded it would be used as a recreational facility. He asked what the ages of the students would be. Duty stated it’s Freshman through Senior in High School but would primarily be 16-18 years of age.
Duty stated the majority of students that will be coming there are from affluent families.

Kreutzberg asked about security. She stated they have a contract with a security company. She believes it is with Whelan Security. They will be on 12 hour shifts. They will have cameras in each hallway.

Kreutberg is concerned with the liability this will cause for him if anyone should enter onto his property.

Duty stated if they’ve had any issues in the past, the student was immediately removed from the school. She said the program is run like a Military School.

Kathy Kreutzberg spoke regarding how their property value will go down. She has sold real estate in the area for 24 years.

**REQUIREMENTS FOR AUTHORIZATION:**

1) **Existing use(s) and zoning of the property and relationship to Edwardsville’s Comprehensive Plan.**

   The site is zoned R-2 Multiple Family Residence District and identified as “Neighborhood” in the Comprehensive Plan.

2) **Extent to which property value diminishes adjacent to the zoned parcels. Value decrease to be supplied by the petitioner and made by professional appraiser.**

   No property value information submitted by petitioner. Staff anticipates no change to nearby property values as a result of issuing a special use permit to the lessee in this instance.

3) **Extent to which the proposed change alters or promotes the public health, safety, morals or general welfare.**

   The proposed continued use will neither alter nor promote the public health, safety, morals, or general welfare of the community.

4) **The relative gain to the general public as compared to the hardship imposed upon the property owners, and the need for the proposed special use.**

   The Special Use Permit would allow re-use of the former hospice/skilled care facility as a dormitory for the tenant, Gateway Legacy Christian Academy. This use is aligned with the Comprehensive Plan and allows the continued stability of the area.

5) **The suitability of the subject property for the zoned purposes indicated by ordinance.**
The secluded property is suitable for the proposed re-use.

CONDITIONS:

The Board may provide such conditions or restrictions upon the construction, location and operations for a special use, including, but not limited to: provisions for the protection of adjacent property, the expiration of such special use after a specified period of time, off-street parking and loading, as may be deemed necessary to secure the general objectives of this Zoning Code, and to reduce injury to the value of the property in the neighborhood.

Expiration:

In the event the Board establishes no time limitation within which the proposed use is to be exercised, then the permit shall expire in one year. Nothing shall preclude an applicant from reapplying for the same special use permit upon expiration.

Transfer of special use permit: A special use permit is issued for a use upon a specified zoning lot or lots and shall not be moved from that location and is not transferable to another occupant and/or owner.

STAFF RECOMMENDATION:

Staff recommends approval of the Special Use Permit subject to the terms of the Applicant’s “Description of Intended Use” of the Special Use Permit application packet. In the event additional parking is necessary for the site, the applicant shall provide additional parking matching the existing parking on the subject site and in conformance with the City’s Ordinance requirements.

Mike Pierceall asked about the number of occupants per square foot. Eric Williams stated that would fall in line with the 2006 International Building Code. He said they have not seen if they are proposing any renovations to the building.

Pierceall asked how long the lease is for the building. Jordan Dorsey responded 5 years with the option to purchase.

Gateway has had a similar facility like this in Granite City for several years.

Tom Butts said he likes that it is a 5 year lease and that it can be looked at again at that time. He asked staff if they feel comfortable and can write an SUP that is unique enough. Eric Williams said they can put a maximum occupancy on it. Cheryl Porter stated the Board can impose conditions to make it something that will fit better within the neighborhood. An expiration date can also be put on it.
William Kreutzberg asked how much security staff would be working at one time. Jackie Duty responded there would be at least 2 guards working each shift. There will also be several staff members that will stay at the facility.

Kreutzberg asked about weekend activities at the facility. Duty responded they have a Director of Events who sets up various field trips and activities.

Kreutzberg is concerned about the pond that is on his property.

Bob Hotz asked if there is a break point in the number of students they would need. Jackie Duty responded that anything below 50 would be very challenging.

Cheryl Porter reiterated that the property is zoned R-2 Multiple Family. It could be apartments that would not require a Special Use Permit. A nursing home or dormitory use would require a Special Use Permit.

Tom Butts asked if someone wanted to make it a rehabilitation or group housing facility, would it require a Special Use Permit. Porter responded that it would.

Motion to approve with staff recommendations and conditions in addition to the following conditions (Pierceall), seconded (Robertson):
- The lesser of a maximum of 60 residents or what City code requires
- Full-time staff present 24 hours a day, 7 days a week
- Will run concurrent with the lease, be valid for a term of 5 years & expire with the facility lease
- A copy of the lease will be provided to the City.

VOICE ROLL CALL: 6 Ayes, 0 Nays, 0 Abstain.

IV. OLD BUSINESS: None

V. NEW BUSINESS:
A. Election of Chairman – Bob Hotz – Motion to approve (Pierceall), seconded (Robertson) and voted all ayes.
B. Election of Vice-Chairman – Ann Robertson – Motion to approve (Pierceall), seconded (McCaskill) and voted all ayes.
C. Election of Designated Alternate – Mike Pierceall – Motion to approve (Robertson), seconded (McCaskill) and voted all ayes.

VI. ADJOURNMENT: Motion to adjourn.