

SMITHTON ZONING BOARD

ZONING BOARD HEARING MINUTES

May 15, 2023

7:00pm

Fulford – SE Corner of Rte 159/Douglas Rd

Chairman Rodriguez called the hearing to order at 7:00pm.

Zoning Board members present were: Tom Incrocci, Tom Schanherr, Leo Simburger, Julie York, Jesse Carlton and Jim Hildreth. Also present were Zoning Administrator and Engineer Scott Saeger, Chairman Lori Rodriguez, Deputy Administrator Michelle Schlarman and Attorney Carmen Durso.

Tom Schanherr made a motion which was seconded by Jim Hildreth to approve the minutes from the zoning hearings held on May 4, 2023 for: Asbridge – 235 N Julia, and Hy-Dac – 402 S Julia. Roll call was taken: Tom Schanherr, yes; Jim Hildreth, yes; Tom Incrocci, yes; Leo Simburger, yes; Julie York, abstain; Jesse Carlton, abstain. Motion was granted.

Deputy Zoning Administrator Michelle Schlarman read the notice as published in the Freeburg Tribune.

Chairman Rodriguez read the letter sent to surrounding residents and the list of those residents.

The applicants were sworn in by Deputy Administrator Michelle Schlarman.

Questions and discussion with the Zoning members revealed the following information: John Fulford explained to the Board that he would like to annex his 3-acre property at the SE corner of Rte 159/Douglas Rd into the Village so that he can have access to Village water. He would like the property zoned B-1 (Community Business) effective upon its annexation into the Village of Smithton. There are 16 parcels, but 18 lots. He does plan to sell the property. The Village sewer system is the only available system in the area, and it ends at the Smithton Pharmacy. It has not been decided by the Village if they will extend the sewer out to the property. The annexation petition states that the property owner can install private septic systems. If the Village would extend the sewer system, then the owner(s) must switch over to the Village sewer system within a year. Fulford has had soil analysis done on the property per the St. Clair County Health Dept. recommendation, because they regulate private septic system permits. Fulford states that the Health Dept. has given him the “go ahead” for individual systems. The type and size of septic removal system will be determined by the type of business and structure. Any proposed business or structure’s development plans would be reviewed by the County and Engineer Saeger before deciding on the type of sewer system. Fulford states that the Health Dept. told him to use a minimum of three-quarters of an acre as a benchmark measure for deciding how many systems are needed. Fulford states he does not have any Health Dept. communications in writing. There is a water easement along the property. There is an IDOT right of way that stops at the property line. There is overhead electric which would be put underground at the end of the right-of-way. There is

Natural gas in the IDOT property. Trees on the edge of the property are in the state right of way. The property has three entrances along Hwy 159 and two on Douglas Rd. Fulford stated that IDOT will not grant any more entrances on 159. He stated that the entrances on Douglas would have to be updated or widened by the County Road District before being used, and they will probably only allow one of them to be used. He stated that IDOT will probably require using only one of the more southern existing entrances on 159 to have traffic further away from the intersection, then Fulford would grant an easement along the property to grant entrance to businesses. He states that there will not be an individual business for each parcel. They are only 50 feet wide. He will most likely have some combined parcels, or parcels of three-quarter of an acre. There are no covenants on the property.

There are two food-truck businesses that lease space on a daily basis in the section of the property that is zoned commercial by the County. They will be allowed to continue their business lease until the property is sold. They each have certificates from the St. Clair County Health Dept. Fulford has an agreement with them to give them 30 days' notice to end the lease contracts.

Surrounding property owners expressed questions and concerns about the types of businesses that will be allowed, noise or bright lights in what is now a residential neighborhood, and increased water drainage if the property is paved. Attorney Durso informed the residents that the Supreme Court believes that businesses should not be allowed to impede, restrict, or disrupt residents' rights. Building permits and engineering plans would have to follow Village building codes and include plans to address water runoff. Diverting the natural flow of water is not allowed.

Jim Hildreth made a motion which was seconded by Jesse Carlton that the Zoning members recommend to the Village Board that approval be granted that the 3-acre parcel be zoned B-1 (Commercial Business) upon annexation into the Village of Smithton. Roll call was taken: Jim Hildreth, yes; Jesse Carlton, yes; Tom Incrocci, yes; Tom Schanherr, yes; Leo Simburger, yes; Julie York, yes. Motion was granted.

Attorney Durso informed The Fulford's that the motion to recommend approval will be brought before the Village Trustees at the Village Board meeting on May 16, 2023. The annexation procedure will then continue.

Jim Hildreth made a motion which was seconded by Jesse Carlton to adjourn. All were in favor. Motion was granted and meeting adjourned at 8:07pm.

*Addendum – On 5/16/23 the Village Trustees approved the Zoning Board recommendation that the 3-acre portion of Fulford's property at the SE corner of Rte 159/Douglas Rd be zoned B-1 (Commercial Business) upon annexation into the Village of Smithton.