

MACON COUNTY ZONING BOARD OF APPEALS

HEARING MINUTES – February 7, 2018

MEMBERS PRESENT

Barb Lamont, Chairman
Bill Koretke, Vice Chair
Dennis Hughes, Alternate Member

COUNTY PERSONNEL PRESENT

Jennifer Gunter, Planning & Zoning Director
Tracy Sumpter, Planning & Zoning

MEMBERS ABSENT

Blake Noland
Andy Freeland
Ed Leonard, Alternate Member

Chair Lamont called the meeting to order at 8:52.

MINUTES

Bill Koretke made the motion to approve the January 3, 2018 minutes, seconded by Dennis Hughes. All members present answering, Aye. Motion Carried (3-0).

OLD BUSINESS:

- 4.1** S-01-01-18 a petition filed by Tim Duncan requesting a Special Use Permit to operate a lawn mowing business and small retail counter for the selling of battery powered lawn equipment in (A-1) Agricultural Zoning. This property is commonly known as 3388 E Boyd Road, Decatur, IL 62521
PIN 18-08-19-400-011

Mrs. Gunter stated this was approved by ZBA January 3, 2018, EEHW passed it January 25, 2018 and it goes to full County Board on February 8, 2018.

- 4.2** V-02-01-18 a petition filed by Patricia Kates requesting the required front setback be changed from 35 feet to 24 feet in (R-1) Single Family Residential Zoning. This property is commonly known as 715 Tohill Place, Decatur, IL 62521

Mrs. Gunter stated this was approved by ZBA January 3, 2018.

Chair Lamont asked for any persons wishing to speak today to please stand so she could swear them in.

NEW BUSINESS:

- 5.1** V-01-02-18 a petition filed by Linda Niester requesting the required rear setback be changed from 3 feet to less than 3 feet in (R-1) Single Family Residential Zoning. This property is commonly known as 2720 Boiling Springs Rd, Decatur, IL 62526.
PIN 07-07-32-251-014

Linda Niester
2720 Boiling Springs Rd
Decatur, IL 62526

Ms. Niester stated she is requesting the variance to build a garage on the property. The only issue she has is she has to build it towards the back of the property, which puts it less than 3 feet from the property line. She does own the property behind her, it is City zoned and her home is in the County. She is asking to be able to move the garage to the back of the property.

Mr. Hughes asked her to point this out on the map.

Ms. Niester explained where the garage would be going and she also pointed out where her septic tank and laterals are located. She stated they have to go back at least 2 ½ feet to get off of the septic tank.

Chair Lamont asked if the septic would be in between the two doors...

Ms. Niester stated the septic tank will probably be in the walk way door, not the garage door so they will not be driving over it.

Mr. Koretke asked where her lateral lines were located.

Ms. Niester pointed this out on the map and explained they come down the hillside.

Mrs. Gunter was called on to present her finding of facts.

Petition: For a Variance, requesting the required rear setback be changed from 3 feet to less than 3 feet in (R-1) Single Family Residential Zoning.

Parcel Number: 07-07-32-251-014

Location: This property is commonly known as 2720 Boiling Springs Rd in Hickory Point Township.

Zoning: R-1 Single Family Residential

Acreage: 1.3 Acre

Finding of Facts

- Petitioner wants to build a garage with a rear setback less than 3 feet.
- The landowner owns the lot with the house, which is in the County's jurisdiction and the lot behind the house is in the City of Decatur's jurisdiction. Therefore, these 2 properties cannot be combined.
- The garage has to be placed where it is due to a drop off on the property with floodplain to the East. Per the Macon County Zoning Ordinance, Section 155.051,(B),(7) states no accessory building shall be placed closer than ten feet from a principal building. There is also a distance to stay away from an existing septic system that causes the setback hardship too.
- The variance is needed to allow the garage to be built closer to the rear property line. Under the Macon County Zoning Ordinance, Section 155.051(B)(5)(d): states if an accessory building is not used as a residence or to store livestock and is to be set back at least 60 feet from the front property line, then the rear setback may be reduced to three (3) feet.
- There is floodplain on the property on the East side of the property.

EFFECTS ON GENERAL WELFARE: None

EFFECTS ON NEARBY PROPERTY: None

EFFECT ON DEVELOPMENT OF SURROUNDING PROPERTY: None

ADEQUACY OF UTILITIES & FACILITIES: Correct

INGRESS & EGRESS: Already existing.

CONFORMITY TO REGULATIONS: With the passage of the Variance, the property will conform.

STAFF RECOMMENDATION: You may vote to approve or deny this petition, or amend as appropriate. Staff has been on site and Staff recommends approval for a variance, requesting the required rear setback be changed from 3 feet to less than 3 feet in (R-1) Single Family Residential Zoning.

Bill Koretke made the motion to approve the petition, seconded by Dennis Hughes. All members present voting, Aye. Motion carried (3-0).

Chair Lamont asked Mrs. Gunter if the board has anything for the next scheduled meeting. Mrs. Gunter stated we have one special use application at this time.

ADJOURNMENT: Bill Koretke made the motion to adjourn; Dennis Hughes seconded. All members present voting, Aye. Motion Carried. (3-0). Meeting adjourned at approximately 9:00 A.M.

Minutes submitted by Tracy Sumpter, Macon County Planning and Zoning Dept.