

MACON COUNTY ZONING BOARD OF APPEALS

HEARING MINUTES – DECEMBER 7, 2016

MEMBERS PRESENT

Barb Lamont, Chairman
Bill Koretke, Vice Chair
Donald Wilson
Andy Freeland
Blake Noland
Ed Leonard, Alternate Member
Dennis Hughes, Alternate Member

COUNTY PERSONNEL PRESENT

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

Chair Lamont called the meeting to order at 8:30.

MINUTES

Donald Wilson made the motion to approve the November 2, 2016 minutes, seconded by Bill Koretke. All members present answering, Aye. Motion Carried (5-0).

OLD BUSINESS:

- 4.1** S-01-11-16 a petition filed by NFI Sales (Blake & Grant Noland) requesting the renewal of a Special Use Permit for the operation of a trailer/equipment sales business with the addition of occasional vehicle/service truck sale in (A-1) Agricultural Zoning. This property is commonly known as 7770 S Meridian Ave, Blue Mound, IL in Blue Mound Township. PIN 02-15-19-100-001.

Ms. Hoffman stated this was approved by EEHW November 17, 2016 and it goes to full County Board December 8, 2016.

- 4.2** V-02-11-16 a variance petition filed by Michael Hanneken requesting for minimum setback to be changed from 10 feet to 2 feet in (R-1) Single Family Residential Zoning. This property is commonly known as 5290 Kruse Rd, Mt. Zion, IL in Mt. Zion Township. PIN 12-17-02-351-014.

Ms. Hoffman stated this was tabled at the last ZBA hearing.

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

Ms. Hoffman stated there needs to be a motion to remove (Hanneken) from the table and make active.

Bill Koretke made the motion to untable; Blake Noland seconded. All members present voting, Aye. Motion Carried. (5-0).

Nick Mitchell
6455 Birchwood Lane
Decatur, IL

Mr. Mitchell stated that at the last meeting, he was under the wrong impression that there was a utility easement, and it is not. The utility easement is on the East side of the home, not the West. He stated that he figured this out after the last meeting.

Mr. Koretke asked where the utilities are. The owner stated before the meeting, that there is city water. He asked for Mr. Mitchell or Mr. Hanneken to point out on the map where the utilities are located.

Mike Hanneken
Owner of the property

Mr. Hanneken used the map as a reference to explain where the utilities are. He stated he subdivided, and they do have city water. Everyone has their own water line from Long Creek that goes up their own piece of property. He pointed out the map to show where Illinois Power utility easement is located.

Mr. Koretke asked if it is above ground.

Mr. Hanneken stated yes, and pointed out the power poles. He stated his is underground, under his lane. He pointed out a ravine on his property. He asked if anyone had any questions.

Mr. Koretke stated that takes care of the utility part. He stated he was out at the site, and there is a ravine on both sides of Mr. Hanneken's lot that are defining where you can actually build. Mr. Koretke asked if he had a schematic of the garage addition showing how it impacts the property line.

Mr. Hanneken stated he has photos and at this time he passed them around to the board members and explained the photos which showed the layout of the garage and how the house sits at an angle on the property.

Mr. Mitchell stated that the 2 feet variance they are requesting, that is the closest point they have. As they come to the end of the new addition, it would be farther away.

Mr. Koretke asked what is the distance at the South end.

Mr. Hanneken stated 10 feet.

Mr. Hanneken explained also how the ravine is on both sides and kind of wraps around.

Mr. Koretke stated he's not sure why Mr. Hanneken did it this way to begin with because it seems so limited, but anyway, that's not the board's question.

Chair Lamont asked Mr. Hanneken to explain the photos to her.

Mr. Koretke asked if Mr. Karch was already the owner of the adjoining property before Mr. Hanneken bought his.

Mr. Hanneken stated his mother was the owner at that time. He stated there has not been a house there for years. He pointed out all of the timber between the properties. He doesn't think that anyone would put a house back in that area.

Mr. Noland asked if there was an entrance off of Kruse Rd to that property.

Mr. Hanneken stated yes.

Ms. Hoffman was called on to present her finding of facts.

Petition: For a Variance requesting to change the minimum setback from 10 feet to 2 feet in (R-1) Single Family Residential Zoning.

Parcel Number: 12-17-02-351-014

Location: This property is commonly known as 5290 Kruse Road in Mt. Zion Township.

Zoning: R-1 Single Family Residential

Acreage: .97 Acres

Finding of Facts

- This particular property has already had a variance issued in 1998 for the construction of the house on this lot.
- Petitioner wants to build an extension off of the existing attached garage. Therefore, they have to meet the 10 feet side setback.
- The variance is needed to allow the garage to be built with a decrease in the side setback. Under the Macon County Zoning Ordinance, Section 155.183 states the side setback is 10 feet in (R-1) Single Family Residential Zoning.
- We have received one opposition letter written into the office and copies were passed out to ZBA members.

- The petition was tabled after the last Zoning Board of Appeals meeting on November 2, 2016. At the meeting it was brought to our attention that an easement ran on that side of the property where the proposed variance was located. After reviewing the plat of the subdivision, it is proven that the easement existed on the east side of the property and no easement was present where the proposed garage was going to be built.

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 to change the minimum side setback from 10 feet to 2 feet in (R-1) Single Family Residential Zoning.

Blake Noland made the motion to approve the petition and seconded by Bill Koretke. All members present voting Aye. Motion carried (5-0)

Chair Lamont informed Mr. Hanneken that his petition is approved.

Mr. Hanneken asked Ms. Hoffman if he could read the opposition letter that was sent to the office. Ms. Hoffman stated yes, but they would need to meet at another time for that.

NEW BUSINESS:

5.1 S-01-12-16 a petition filed by Allied Asphalt (Kent Darst) requesting a Special Use Permit for the operation of an asphalt business in (R-1) Single Family Residential Zoning. This property is commonly known as 2103 S Taylorville Rd, Decatur, IL 62521 in South Wheatland Township. PIN 17-12-28-151-006.

Kent Darst
2103 S Taylorville Rd
Decatur, IL 62521

Mr. Darst pointed out his property on the map and stated he has been in business for about 17 years. He pointed out on the map where his equipment is parked on the property, he does not have an asphalt plant, he buys from the big guys. He stated there is a small window as you are

traveling Route 48 of opportunity to look and see any of the equipment. He stated you have to look quick. He stated that his trucks and equipment are put in a very orderly fashion and the equipment is not running in and out all day long every day.

Mr. Koretke asked what months are the busiest.

Mr. Darst stated April to around November 1st.

Mr. Koretke confirmed that Mr. Darst had been in business 31 years.

Mr. Darst stated he has been in business 50 years but at this location, 17 years.

Mr. Koretke asked why they are just now getting the Special Use permit.

Ms. Hoffman stated this was brought to our attention because of a complaint that we received from an individual. The property is in the business name. We have never received a complaint in 17 years on this business. She stated we are complaint driven, we do not look for trouble, and there has never been a problem on this property until now.

Mr. Koretke asked if the neighbor to the North was Jordan Nursery which is also zoned R-1.

Ms. Hoffman stated she doesn't know if that is under a Special Use permit, but it has been there many years.

Mr. Darst stated that a certain gentleman told him for years, he did come in and look things over, and he told Mr. Darst that he was fine and to not apply for the Special Use permit because there was no need.

Mr. Koretke asked if Mr. Darst had a "tar pot?"

Mr. Darst stated yes, he has a couple of seal coat trailers.

Mr. Koretke asked if they are in the shed. He stated he is looking at an odor issue.

Mr. Darst stated he goes and gets a load of sealer or road oil, and it is spread, no it is not parked there loaded.

Mr. Koretke stated so when it is parked there overnight, it is not producing any smell.

Mr. Darst stated his road oil/sealcoat is not like the roofing tar that we have all smelled.

Mr. Koretke confirmed with Ms. Hoffman that the office has received only 1 complaint in the 17 years.

Mr. Leonard asked what the complaint said.

Ms. Hoffman stated the complaint was running a business in R-1. She stated that we have had some other issues come up and we know that someone is watching and turning these in anonymously.

Mr. Darst stated that Mr. Wilson had come out to the property and thought Mr. Wilson would agree that his property is immaculate.

Mr. Koretke stated he had looked at the property on Monday.

Mr. Noland stated he also had gone by, and said that in the 14 years of driving Route 48, he never had any clue there was that much stuff back there. You don't know from Route 48. Mr. Noland stated it is very clean and orderly.

Mr. Koretke asked Ms. Hoffman the time length for the Special Use permit.

Ms. Hoffman stated she will now present the stipulations.

1. This Special Use Permit constitutes a license issued to the named petitioners only. This special use permit is not property nor does it convey any property right. This special use permit is, therefore, not assignable or transferable.
2. Employees shall be limited to 3 employees other than the owner.
3. Advertising sign regulations on the subject property shall comply with Macon County Zoning Ordinance.
4. Said property and all operations shall be in compliance at all times with all applicable federal, state, and local laws and regulations. Failure to be in compliance may result in the suspension or revocation of this special use permit.
5. The special use permit shall be for a 2-year period beginning January 12, 2017 and ending January 10, 2019.

Mr. Koretke asked Mr. Darst how many employees he has?

Mr. Darst stated he has 3 in prime time (July).

Mr. Freeland asked if he is ok with 3.

Mr. Darst stated he wouldn't have been 5 years ago, but he is semi-retired.

Chair Lamont asked Ms. Hoffman since Mr. Darst has already had his business here for x number of years and never had any problems, do we have to make the special use for 2 years.

Ms. Hoffman stated that is just what she proposes, the board can change any stipulation that she has.

Mr. Koretke asked if Mr. Darst has facilities in the machine shed for maintenance.

Mr. Darst stated yes.

Mr. Koretke asked bathroom facilities?

Mr. Darst stated yes bathroom, welder, torch tools etc.

Mr. Koretke stated so basically it is a year round business because he is maintaining the equipment in the off season.

Mr. Darst stated yes, for instance this winter he plans to pull a couple of dump trucks in and paint them.

Mr. Koretke stated he would like to propose changing the length of the Special Use permit to 5 years.

He asked Ms. Hoffman what we typically do.

Ms. Hoffman stated we typically do 2 years and then if they come back and we don't have any issues or complaints we do it for 10 years.

Mr. Darst stated at 63 years of age, he would like to see 5 years for the permit.

Mr. Koretke stated yes he would like to amend it to the 5 years.

Blake Noland made the motion to amend the length of the Special Use permit to 5 years and seconded by Andy Freeland. All members present voting Aye. Motion carried (5-0)

Ms. Hoffman was called on to present her finding of facts.

Petition: Special Use Permit for the operation of an asphalt business in (R-1) Single Family Residential Zoning.

Parcel Number: 17-12-28-151-006

Location: This property is commonly known as 2103 S. Taylorville Road in South Wheatland Township.

Acreage: 4.29 Acre

Zoning: R-1 Single Family Residential Zoning

Finding of Facts

- This is a new special use permit for the property.
- A special use permit is needed because the Macon County Zoning Ordinance (Section 155.008) defines a special use as a use, either private or public, which, because of its unique characteristics, cannot be properly classified as a permitted use in any particular district or districts. Therefore the Special Use Permit is needed because this property is zoned R-1 Single Family Residential Zoning.

EFFECTS ON GENERAL WELFARE: The establishment, maintenance, or operation of this Special Use will not be detrimental to the property or surrounding properties.

EFFECTS ON NEARBY PROPERTY: The Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or substantially diminish and impair property values with the neighborhood.

EFFECT ON DEVELOPMENT OF SURROUNDING PROPERTY:

The establishment of the Special Use Permit will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

ADEQUACY OF UTILITIES & FACILITIES: No known issues.

INGRESS & EGRESS: Adequate parking will be established for the property.

CONFORMITY TO REGULATIONS: With the passage of the Special Use Permit by the Macon County Board the property will conform.

STAFF RECOMMENDATION: While you may vote to recommend approval or denial of this petition, staff has inspected the property and staff recommends **approval** with the stipulations that were stated earlier in the meeting.

Donald Wilson made the motion to approve the petition, seconded by Andy Freeland. All members present voting, Aye. Motion carried (5-0).

Chair Lamont handed Mr. Darst the ZBA Process Letter, which explains the next steps that will be taken on this petition.

Ms. Hoffman informed Mr. Darst that he does not need to be present at EEHW or County Board but certainly can be.

Chair Lamont asked Ms. Hoffman if there is anything for next month.

Ms. Hoffman stated we have one which is a rezoning petition.

Chair Lamont took the time to thank the members for their hard work this past year and she is looking forward to next year.

ADJOURNMENT: Donald Wilson made the motion to adjourn; Andy Freeland seconded. All members present voting, Aye. Motion Carried. (5-0). Meeting adjourned at approximately 8:55 AM.

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