

MACON COUNTY ZONING BOARD OF APPEALS

HEARING MINUTES – JANUARY 6, 2016

MEMBERS PRESENT

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

COUNTY PERSONNEL PRESENT

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

MINUTES

Donald Wilson made the motion to approve the November 4, 2015 minutes, seconded by Andy Freeland. All members present answering, Aye. Motion Carried (5-0).

OLD BUSINESS:

- 4.1** S-01-11-15 a petition filed by Robert & Aissa Norris requesting the renewal of a Special Use Permit to allow the holding of special events such as; educational tours; weddings/receptions; company picnics and family reunions in (A-1) Agricultural Zoning.

Ms. Hoffman stated this was passed by ZBA on November 4, 2015, EEHW on November 19, 2015 and the County Board approved on December 10, 2015.

- 4.2** V-02-11-15 a petition filed by Village of Moweaqua to change the distance of 50 feet side setback requirement to 5 feet side setback in (A-1) Agricultural Zoning.

Ms. Hoffman stated this was passed by ZBA on November 4, 2015 and it does not go to any other committee because it is a variance.

- 4.3** S-03-11-15 a petition filed by Hollie M. Burns for the renewal of a Special use Permit to operate an animal grooming and pet photography business in (R-1) Single Family Residential Zoning.

Ms. Hoffman stated this was passed by ZBA on November 4, 2015, EEHW on November 19, 2015 and the County Board passed with all yes votes and 1 no vote on December 10, 2015.

Chair Lamont asked everyone that wished to speak at any of the hearings, to please stand so she could swear them all in at once.

NEW BUSINESS:

5.1 V-01-01-16 a petition filed by John & Nancy Berry requesting for the minimum lot size to be changed from 10 acres to 2.1 acres in (A-1) Agricultural Zoning.

Petitioner: John Berry
5736 E Washington St. Rd.
Maroa, IL 61756

Mr. Berry stated he is asking for a variance so that the agricultural land surrounding his home can be maintained as agricultural land and sold off to the adjoining land owner and then the 2.1 acres where his home is located will be maintained as residential rather than agricultural.

Ms. Hoffman states this is not for a rezoning; it is a variance to take the 10 acres to the 2.1 acres.

Mr. Koretke asked Mr. Berry who he would be selling the land to. Mr. Berry replied Mr. Richter, the adjoining farm land owner. Mr. Richter owns the remainder of those 80 acres except for the pumping station. Mr. Berry states that it is already all farmed by one tenant as one unit.

Chair Lamont asked if this was all coming off of the east side. Mr. Berry stated no, it's all the way around; it is horse shoe shaped around the house, 7.9 acres.

Mr. Berry stated that he did make an error in the legal description on the application. Ms. Hoffman stated that we use the legal description from the actual deed and it was published correctly. Mr. Berry also stated that he has measured it with a 300' surveyors tape and used existing pins as his starting point. He feels the measurements are accurate.

Chair Lamont called on Ms. Hoffman for finding of facts/recommendation.

Petition: For a Variance to change the minimum lot size from 10 acres to 2.1 acres in (A-1) Agriculture Zoning.

Parcel Number: 05-03-04-400-008

Location: This property is commonly known as 5736 E. Washington St Rd in Friends Creek Township.

Zoning: A-1 Agriculture

Finding of Facts

- Petitioner wants to divide the existing house with 2.1 acres off of the 10 acres. The remaining 7.9 acres will be sold to the adjacent landowners.

- The variance is needed to allow the minimum lot size to be reduced from 10 acres to 2.1 acres. Under the Macon County Zoning Ordinance, Section 155.183 states the minimum lot size for Agriculture is 10 acres.
- No minor subdivision is needed because the Plat Act allows two landowners to swap ground. A survey will need to be done and recorded.

EFFECTS ON GENERAL WELFARE: None

EFFECTS ON NEARBY PROPERTY: None

EFFECT ON DEVELOPMENT OF SURROUNDING PROPERTY: None

ADEQUACY OF UTILITIES & FACILITIES: Correct

INGRESS & EGRESS: Correct, it will stay the same as 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 lot size from 10 acres to 2.1 acres in (A-1) Agriculture Zoning.

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

5.2 R-02-01-16 a petition filed by David Elliott for rezoning 26.33 acres from (A-1) Agricultural Zoning to (RE-5) Single Family Estate Zoning.

Petitioner: David Elliott
3882 E Kraft Rd
Dalton City, IL 61925

Mr. Elliott stated that his intent, if possible, is to rezone the property. He initially was going to try to sell two 10 acre tracts which requires no approval, but it would fit a little better if he could go down to two 3 acre tracts, they have the proper road frontage already, he believes it's 190' for 3 acres, city water is available there. There would be 2 lots actually; he has a lane which runs back, he probably would have to move the lane over a little bit to accommodate for the two 3 acre lots so they would each have their own frontage and their own lanes to their property.

Mr. Koretke stated that in the petition, he didn't see where he was asking for a change in lot size, that he is only asking for RE-5. Ms. Hoffman stated that RE-5 is 2 acre lot minimum, so once he gets the rezoning, he can go down. Mr. Koretke asked; so he is not re-platting? Ms. Hoffman stated that Mr. Elliott wants to re-zone the 26 acres that are currently agriculture, to RE-5, minimum lot size for RE-5 is 2 acres so that he can go to his 3 acres. Mr. Koretke asked; so he

hasn't drawn his lot lines yet? Ms. Hoffman stated no not yet, all we are doing is just re-zoning the 26 acres and then the divided out lots will come later as a minor subdivision, but ZBA does not have any control over minor subs.

Mr. Elliott added that the land is very poor ground. It is not suitable for farming.

Ms. Hoffman was called for finding of facts/recommendations.

Petition: For rezoning approximate 26.33 acres from (A-1) Agricultural Zoning to (RE-5) Single Family Estate Zoning.

Parcel Number: 12-17-17-200-012 (Part of)

Location: This property is located at 3882 Kraft Rd in Mt. Zion Township.

Acreage: 26.33 Acres

Zoning: A-1 Agricultural

Finding of Facts

- This is a rezoning from (A-1) Agricultural Zoning to (RE-5) Single Family Estate Zoning.
- The rezoning is needed for the property to be divided up in 2 or more building lots. Macon County Zoning Ordinance Section 155.183 states that the minimum lot size for RE-5 is 2 acres.
- A LESA (Land Evaluation and Site Assessment) was performed on the property. The score totaled 110.25 which classifies the land as good for development and shall be deemed acceptable for non-agricultural development.
- The surrounding properties are zoned: (A-1) Agriculture to the west, east, and south and municipal zoning which is in Mt. Zion jurisdiction to the north.

EFFECTS ON GENERAL WELFARE: None

EFFECTS ON NEARBY PROPERTY: None

EFFECT ON DEVELOPMENT OF SURROUNDING PROPERTY: None

ADEQUACY OF UTILITIES & FACILITIES: Shall conform to Macon County Ordinance Rules and Regulations.

INGRESS & EGRESS: Adequate if used properly.

CONFORMITY TO REGULATIONS: With the passage of the rezoning 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** of rezoning of approximate 26.33 acres from (A-1) Agricultural Zoning to (RE-5) Single Family Estate Zoning.

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

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

Chair Lamont asked Ms. Hoffman if there were any petitions for the next hearing to which she responded so far we have none for next month.

ADJOURNMENT: Donald Wilson made the motion to adjourn; Andy Freeland seconded. All members present voting, Aye. Motion Carried. (5-0). Meeting adjourned at approximately 8:45 AM.

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