

MACON COUNTY ZONING BOARD OF APPEALS

HEARING MINUTES – MARCH 2, 2016

MEMBERS PRESENT

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

COUNTY PERSONNEL PRESENT

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

MEMBERS ABSENT

Ed Leonard, Alternate Member

MINUTES

Donald Wilson made the motion to approve the January 6, 2016 minutes, seconded by Andy Freeland. All members present answering, Aye. Motion Carried (5-0).

OLD BUSINESS:

- 4.1** 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.

Ms. Hoffman stated this was passed by ZBA on January 6, 2016, and it does not go to any other committee because it is a variance.

- 4.2** 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.

Ms. Hoffman stated this was passed by ZBA on January 6, 2016, EEHW on January 21, 2016 and the County Board passed with all yes votes on February 11, 2016.

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** S-01-03-16 a petition filed by Scott Fuller requesting renewal of a Special Use Permit to operate an auto and small truck repair shop in (RE-5) Single Family Estate.

Petitioner: Scott Fuller
3533 Nevada Rd
Decatur, IL 62521

Mr. Fuller explained that he is here for a continuation of his special use permit. This will be his 20th year operating a small mechanical automotive repair shop on his property. Mr. Koretke asked Mr. Fuller if all of the vehicles that are there belong to him or are they being repaired. Mr. Fuller stated that a lot of them are his; collector cars, but then there are customer cars as well. Mr. Koretke asked how many customer cars do you normally.....Mr. Fuller stated he averages about 3 per day. Mr. Koretke asked so how many cars are yours. Mr. Fuller stated he probably owns 10 or 11, something like that. Mr. Koretke stated that he lives right up the road and we have other places we are doing special uses for and we don't want them to look too junky. Mr. Fuller stated he understands, and he drives all of his vehicles except for the one in the shop. Mr. Koretke asked "even the army truck?" Mr. Fuller stated no, that's been long gone. They finally towed it away because he couldn't find parts for it. It is back in Bethany.

Chair Lamont asked Ms. Hoffman if there have been any concerns on this special use permit. Ms. Hoffman stated that we have never received a complaint in our office. Chair Lamont asked how long Mr. Fuller's special use permit was for the last time. Ms. Hoffman stated 5 years.

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

Petition: Special Use Permit for the operation of an auto and small truck repair shop in RE-5 Single Family Estate.

Parcel Number: 02-11-34-427-001

Location: This property is commonly known as 3533 Nevada Road in Blue Mound Township.

Acreage: 3.26 Acres

Zoning: RE-5 Single Family Estate

Finding of Facts

- This is a renewal of an existing special use permit issued in 1996. The permit has been renewed in 1999, 2002, 2011, and now in 2016.
- 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 RE-5 Single Family Estate.

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: No change will occur.

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 following 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 immediate family members only.
3. There shall be no more than five (5) vehicles to be repaired stored outdoors on the property at one time. Other vehicles to be repaired shall be stored indoors; and
4. The business is limited to the existing buildings, plus one additional building, no more than 1,200 square feet in area located at least 100' from the east and north property line; and
5. No parts or materials, etcetera, may be stored outdoors; if kept outdoors, scrap, garbage, junk, waste, recyclable materials, etcetera, shall be in containers; and
6. Normal hours of operation shall be limited to 8:00-7:00 p.m., Monday through Saturday; and
7. Advertising sign regulations on the subject property shall comply with Macon County Zoning Ordinance.

8. Access to the repair garages shall be from Nevada Road.
9. The special use permit shall be for a 10 year period beginning April 14, 2016 and ending April 9, 2026.

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. Fuller the ZBA Process Letter, which explains the next steps that will be taken on this petition.

Chair Lamont called on Ms. Hoffman.

Ms. Hoffman stated that on Tom Massey's petition that was published in the newspaper, it was brought to our attention, that we put it as being a property in Blue Mound Township. The legal, the pin, and the time and date of the hearing were all correctly published but it was just a Scribner's error that it was in Blue Mound Township. It should have been South Macon Township.

- 5.2** S-02-03-16 a petition filed by Tom Massey requesting renewal of a Special Use Permit for the operation of a small firearms shop on a small portion of the property in (A-1) Agricultural District.

Tom Massey
12153 Riley Rd
Macon, IL 62544

Mr. Massey stated that he runs a sporting goods store, better known as a gun shop. That's basically what it involves. I've been selling guns and doing this now for a number of years. I don't know what else I can tell you or if you guys have any questions.

Mr. Koretke asked about how many customers per day or week. Mr. Massey stated that he is out in the country, so it is minimal. He may go a day and not have any customers, and may go a day and half or three or four. He thinks the most he has ever had in there at one time were six or seven and that's very unusual. It's not like a Decatur store with a bunch of traffic and parking lots and stuff. I have room for eight cars for parking, and I have never exceeded that. The only time I have that kind of traffic is when my family all comes over for Easter dinner or something. We are never on the road, plenty of room and plenty of asphalt down. There has never been a problem.

Chair Lamont asked if his last permit was for five years. Mr. Massey answered yes.

Chair Lamont asked Ms. Hoffman if there have been any issues. Ms. Hoffman stated we have never received a complaint on this property.

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

Petition: Renewal for Special Use Permit for the operation of a small firearms shop on a small portion of the property.

Parcel Number: 16-20-09-400-008

Location: This property is commonly known as 12153 Riley Road in South Macon Township.

Acreage: 20.14 Acres

Zoning: A-1 Agriculture

Finding of Facts

- This is a renewal for an existing special use permit that was issued for the property in May of 2011. The original special use permit was issued in March 2005.
- 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. Therefor the Special Use Permit is needed because this property is zoned A-1 agriculture.

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 is already 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 following 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 Mr. Massey and his wife. Also a part time/ as needed employee is allowed when the owners go out of town.
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 10 year period beginning April 14, 2016 and ending April 9, 2026.

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

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

Ms. Hoffman stated before the next hearing begins, she would like to let everyone know that she has talked to Matt Craft and he will apply for a special use permit after the rezoning is finished and it has been subdivided. She stated that she needs a legal of that whole parcel of which he is combining. There has been an issue of him running a business. He needs a special use permit and he will apply for this after these steps have been completed and we have a clean legal description to work with. This hearing today is just for the rezoning and not about the business at all.

- 5.3** R-03-03-16 a petition filed by Craft Brothers Construction, LLC, for rezoning approximately 3.57 acres from (R-4) Single Family Residential Zoning to (RE-5) Single Family Estate Zoning.

Matt Craft
3415 Nevada Rd
Decatur, IL 62521

Mr. Craft stated his property is currently zoned R-4 and we are wanting it to be RE-5 in order for it to be combined with my current property and split into two parcels where we are going to sell one and have a house built there by another couple. Mr. Craft points out on the map approximately where the new property lines will be. He stated there was a house on the property probably five years ago, it burned down, so we are just bringing the lot back to residential again.

Chair Lamont asked if the large building will be combined in with his property. Mr. Craft stated yes.

Chair Lamont asked approximately how many acres will that be. Mr. Craft stated it is 3.57 total, he will take about 1 ¼ acre and leave about 2 1/4.

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

Petition:	For rezoning approximate 3.57 acres from (R-4) Single Family Residential to (RE-5) Single Family Estate Zoning.
Parcel Number:	02-11-34-426-005
Location:	This property is located at 3451 Nevada Road in Blue Mound Township.
Acreage:	3.57 Acres
Zoning:	R-4 Single Family Residential

Finding of Facts

- This is a rezoning from R-4 Single Family Residential to RE-5 Single Family Estate Zoning.
- On this lot there used to a single family residence that burned within the last 10 years.
- The rezoning is needed for the property to be split into approximate 2.57 acres and approximate 1 acre tract. The one acre tract is going to be combined with the property to the north that is currently zoned RE-5 Single Family Estate.
- The 1 acre needs to be combined with the property to the north due to the fact that it will be a non-conforming lot once the lot is split. The lot already has a shed located on the property. In the Macon County Zoning Ordinance (Section 155.051 (B)(9)(b)) states that no accessory building shall be constructed and no building permit shall be issued for an accessory building prior to the time of construction of the principal building to which it is accessory.
- The owner of the 2.57 acres wants to build a new residence on the site.

- The surrounding properties are zoned: (RE-5) Single Family Estate to the north and south, (R-4) Single Family Residential to the west, and (A-1) Agricultural to the east. The uses of the land is used for residential.

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: You may vote to approve or deny this petition, or amend as appropriate. Staff has inspected the property and staff recommends approval of the rezoning of approximate 3.57 acres from (R-4) Single Family Residential to (RE-5) Single Family Estate Zoning.

Mr. Koretke asked if the current storage building has any bathrooms in it.

Mr. Craft stated no.

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

Chair Lamont handed Mr. Craft 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 one and she doesn't know of any other ones coming in today.

ADJOURNMENT: Donald Wilson made the motion to adjourn; Andy Freeland seconded. All members present voting, Aye. Motion Carried. (5-0). Meeting adjourned at approximately 8:50 AM.

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