

## **MACON COUNTY ZONING BOARD OF APPEALS**

### **HEARING MINUTES – APRIL 6, 2016**

#### **MEMBERS PRESENT**

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

#### **COUNTY PERSONNEL PRESENT**

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

#### **MEMBERS ABSENT**

Andy Freeland  
Ed Leonard, Alternate Member

#### **MINUTES**

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

#### **OLD BUSINESS:**

- 4.1** 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.

Ms. Hoffman stated this was passed by ZBA on March 2, 2016, EEHW on March 17, 2016 and it goes to County Board on April 14, 2016.

- 4.2** 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.

Ms. Hoffman stated this was passed by ZBA on March 2, 2016, EEHW on March 17, 2016 and it goes to the County Board on April 14, 2016.

- 4.3** 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.

Ms. Hoffman stated this was passed by ZBA on March 2, 2016, EEHW on March 17, 2016 and it goes to the County Board on April 14, 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-01-04-16 a petition filed by Anita & John Szajko requesting a Special Use Permit for the operation of a licensed firearms shop in an accessory building on the property zoned (R-1) Single Family Residential.

Petitioner: John Szajko  
4045 Fort Daniel Rd  
Decatur, IL 62521

Mr. Szajko stated he is here this morning on behalf of a request he has for a special use permit for a gun shop on his property. This is a secondary building located behind the residence, it is already existing, it was gated at one time. There was livestock in that pasture before he owned it. He plans on building a rock parking lot behind it. Mr. Szajko stated there are some pictures that were handed out. He stated as you can see, there is already a sign posted "hidden driveway", it's gated, the shop will be alarmed and will also have video surveillance. He asks if anyone has any questions. Mr. Koretke asked if he has already been in business. Mr. Szajko stated no he has not, this is a brand new business. He has been involved in business teaching. He is co-partners with another individual and they teach concealed firearms. He is a retired deputy, so he has been around them his whole life basically. He also works on them on the side. Mr. Koretke asked how much parking he will have. Mr. Szajko stated for 4 cars minimum. Chair Lamont asked if he was the only employee along with his wife. Mr. Szajko stated that is correct. Chair Lamont asked what kind of hours is he expecting. Mr. Szajko stated that primarily being a new business; he will basically always be open by appointment if someone needs to get there. Generally Monday –Thursday, he will not be open on Sunday. Hours will vary so that he can catch people after they get off work. Probably Monday-Thursday say like 9:00 to 5:00. Kind of depends on the business and how much it goes. Mr. Koretke stated that there have been some people complaining about the business, firearms business, are you going to have retail business. In other words, will you have firearms on display in the shop and will there be security for that. Mr. Szajko stated that the majority of the time the firearms will be kept in a vault. It weighs about 1400 pounds and will be bolted to the floor. Actually on display in cases, not primarily, the only time they will be brought out, is if a customer wants to see one or if I've ordered one for a customer. Mr. Hughes stated that he is looking at the pictures, and it looks like there is a sliding door, Mr. Szajko stated it is a sliding stock door with a steel fire door behind it. Mr. Szajko stated it will be slid open when the business is open but there will be a steel door and gated screen between the outside and the inside. Mr. Hughes asked if that is the only entrance door other than the garage door. Mr. Szajko stated there is one on the interior, which he can go in and out of but that can be blocked when business operations are going. Mrs. Szajko stated there is a workshop that you can get to inside the garage, she stated there is completely enclosed room that will have a metal gate on the inside, and so even if someone got into the garage, they couldn't get in. Chair Lamont asked if there was a shooting range on the property. Mr. Szajko stated absolutely not. Mrs. Szajko stated they don't even shoot their own guns on their property. Mr. Hughes asked if there was security on the windows. Mr. Szajko stated that they have bars and when he finished out the tool room, he put 1" marine grade plywood over the window. It is bolted, not screwed. Chair Lamont stated so primarily, unless you are having a class or somebody is there to pick up a firearm or bring one to you to be repaired, there won't be a lot of

additional traffic. Mr. Szajko stated only unless someone is coming to the store, it won't increase any traffic. He does not teach classes there, he does that at an off-site facility. Chair Lamont stated that on one of the letters we received, it says you have deer on your property. Mr. Szajko stated yes he does, they are inside a pen. He stated he has a breeder's permit and DNR comes out and inspects them and they are tagged and veterinarians take care of them. Chair Lamont stated she just wanted to check that out.

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

Petition: Special Use Permit for the operation of a licensed firearms shop in an accessory building on the property.

Parcel Number: 12-17-01-101-006

Location: This property is commonly known as 4045 Fort Daniel Road in Mt. Zion Township.

Acreage: 1.0 Acre

Zoning: R-1 Single Family Residential

### **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.
- We have received 2 letters of opposition and 3 letters of support in regards to the petition and copies were distributed to the Zoning Board of Appeal members.

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 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. & Mrs. Szajko only.
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 May 12, 2016 and ending May 10, 2018.

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

**5.2** R-02-04-16 a petition filed by Jeanette and Travis Peden, and Charles Yokley for rezoning approximately 10 acres from (A-1) Agricultural Zoning to (RE-5) Single Family Estate Zoning.

Charles Yokley  
4620 Rock Springs Rd  
Decatur, IL 62522

Mr. Yokley stated he is here today to try and divide their property from A-1 to R-4 he thinks it is.

He stated the reason they want to do that is because they are going to put their house up for sale and he thinks that he could probably get their price for the house with 5 acres instead of the 10 acres. He stated that he wants to divide it, as close to equal as they can, he doesn't have any use for the 5 acres behind the house. He does not intend on building a house on it. What he would like to see done with it is to work out a deal with their neighbors to purchase it, which they have kind of talked to the neighbor already. Donald Wilson asked if he has ever farmed the 5 acres behind him. Mr. Yokley stated it is grass; they actually had hay baled off of it for a while. At this present time, his neighbors Bill and Karen have a fence on it and he lets them run their horses out there. They kind of keep it mowed, and he told them they could use it as long as they keep it mowed. He stated that if he can't work out a deal with the neighbor, Aaron, he would probably keep the property just like it is unless someone came along and offered him a price he just couldn't refuse for it. Mr. Koretke asked if this is a contingent plan; you could offer the whole place and then have the ability to subdivide. He stated that if the board gives you this, you could subdivide or offer as one parcel, or you could split it and offer the two parcels. Mr. Wilson stated you could go either way. Mr. Koretke asked what his intention was. Mr. Yokley stated that the price that they want to ask for the property, he doesn't, with the extra 5 acres on there, that's another X number of dollars onto it. He thinks they would have a better opportunity to sell the property \$50,000 or \$60,000 less without the 5 acres on there. Mr. Koretke asked if they have talked to a real estate agent yet. Mr. Yokley stated no they have not. He says he hasn't, but he has had real estate people approach him wanting to list it. He stated that they are planning on building another house, which it is in the zoning process now. Mr. Koretke asked which one. Ms. Hoffman stated it's the one they just did last month for Craft Brothers on the corner of Mt. Auburn and Nevada Road. Mr. Yokley stated that is their intention. He just thinks that they can sell the property better with a lower price than to put the 10 acres with it. Mr. Koretke stated that it is hard to find a piece of property that has that much grass land available, he stated that he lives right down the road from there and they are in a horse neighborhood. Mr. Yokley stated yes. Mr. Koretke stated he thinks they could go either way and he would offer it as 10 acres first. Mr. Koretke asked so there is no intention right now to build a house with one of your neighbors objecting to a house being built. Mr. Yokley stated he has no intentions whatsoever of building a home there. He is going to build one more house and that's what he's going to live in for the rest of his life.

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

Petition:	For rezoning approximate 10 acres from (A-1) Agricultural Zoning to (RE-5) Single Family Estate Zoning.
Parcel Number:	02-11-25-276-007
Location:	This property is located at 4620 Rock Springs Road in Blue Mound Township.
Acreage:	10 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 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 171.85 which classifies the land as marginal for non-agricultural and mitigating factors shall be evaluated.
- The surrounding properties are zoned: (R-4), (R-1) and (RE-5) to the west, (RE-5) to the north, (RE-5) and (RHM-4) to the east, and (A-1) Agriculture to the south.

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 10 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 Bill Koretke. All members present voting, Aye with the exception of Blake Noland who abstained from voting. Motion carried (4-0).

Chair Lamont handed Mr. Yokley 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 we have three, possibly four for next month.

ADJOURNMENT: Donald Wilson made the motion to adjourn; Bill Koretke 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.*