

**MACON COUNTY ZONING BOARD OF APPEALS**

**HEARING MINUTES – April 5, 2017**

**MEMBERS PRESENT**

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

**COUNTY PERSONNEL PRESENT**

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

**MEMBERS ABSENT**

Ed Leonard, Alternate Member

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

**MINUTES**

Donald Wilson made the motion to approve the March 1, 2017 minutes, seconded by Andy Freeland. All members present answering, Aye. Motion Carried (5-0).

**OLD BUSINESS:**

- 4.1 V-01-03-17 a petition filed by Village of Harristown, Illinois requesting minimum lot size be changed from the required 10 acres to .25 acres in (A-1) Agricultural Zoning. This property is commonly known as 9302 W Illiniwick Rd, Warrensburg, IL 62573 in Illini Township. PIN 08-06-08-400-007. **\*WITHDRAWN\***
- 4.2 V-02-03-17 a petition filed by Village of Harristown, Illinois requesting for minimum rear setback be changed from the required 50 feet to 8 feet and the minimum side setback be changed from the required 50 feet to 38 feet in (A-1) Agricultural Zoning. This property is commonly known as 9302 W. Illiniwick Rd, Warrensburg, IL 62573 in Illini Township. PIN 08-06-08-400-007. **\*WITHDRAWN\***
- 4.3 S-03-03-17 a petition filed by Village of Harristown, Illinois to allow the construction of a public well supply in (A-1) Agricultural Zoning. This property is commonly known as 9302 W Illiniwick Rd, Warrensburg, IL 62573 in Illini Township. PIN 08-06-08-400-007. **\*WITHDRAWN\***

**Ms. Hoffman stated these three petitions were all withdrawn and the members received a letter in their packet from Dave Harp of BGM stating this.**

- 4.4** V-04-03-17 a petition filed by Jonathan Pilcher/John & Diana Freeman requesting for minimum rear setback be changed from 40 feet to 25 feet in (R-1) Single Family Residential Zoning. This property is commonly known as 3395 S Taylor Rd, Decatur, IL 62521 in South Wheatland Township.  
PIN 17-12-33-326-023

Ms. Hoffman stated this was approved by ZBA on March 1, 2017.

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

**NEW BUSINESS:**

- 5.1** V-01-04-17 a petition filed by Randy Meyer requesting the required minimum lot size be changed from 10 acres to 2 acres in (A-1) Agricultural Zoning. This property is commonly known as 5865 E. Crosson Rd, Macon, IL 62544 in Mt. Zion Township  
PIN 11-21-15-200-008

Randy Meyer  
12916 McDonald Rd  
Macon, IL

Mr. Meyer stated he is requesting a variance for two acres from the required 10 acres. His daughter and son in law are coming back into the farming operation and they will be living on the farm. The whole intent of the 10 acres is to preserve the farmland. He would like a variance for 2 acres to maintain the other 8 acres in the farm operation.

Chair Lamont asked Mr. Meyer to point the property out on the map.

Mr. Meyer stated it would be a 2 acre lot in the corner of the 160 that they currently own. The lot size would be approximately 232' by 375' deep. It has been platted so he knows the dimensions of it.

Mr. Koretke asked why the 160 acres is divided the way it is on the map.

Mr. Meyer stated initially he purchased the west 40 acres several years ago, his brother in law picked up the two middle 40 acres and then Mr. Meyer purchased the east 40 acres. He stated that is why it is listed as three separate parcels.

Mr. Koretke stated he looked at the amount of acres. He asked if this is subdivided with the intention of building homes on each one of these.

Mr. Meyer stated absolutely not.

Mr. Koretke stated that is the only question he has and that he did drive by the property

yesterday.

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

Petition: For a Variance requesting minimum lot size be changed from 10 acres to 2 acres in (A-1) Agricultural Zoning.

Parcel Number: 11-21-15-200-008

Location: This property is commonly known as 5865 E. Crosson Road in Mt. Zion Township.

Zoning: A-1 Agricultural Zoning

Acreage: 40 Acres

**Finding of Facts**

- Petitioner wants to separate 2 acres from the existing 40 acres for the construction of a new residence. The remaining 38 acres will be left agriculture.
- The variance is needed to allow the minimum lot size to be reduced from 10 acres to 2 acres. Under the Macon County Zoning Ordinance, Section 155.183 states the minimum lot size for Agriculture is 10 acres.
- The property is not in the floodplain.

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 the minimum lot size be changed from 10 acres to 2 acres in (A-1) Agricultural Zoning.

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

- 5.2** S-02-04-17 a petition filed by C. Deadrick Development requesting the renewal of a Special Use Permit to use the property as a venue for personal and corporate celebrations. This property is commonly known as 4202 W Route 36, Decatur, IL 62521 in Decatur Township.  
PIN 04-12-07-300-006

Cindy Deadrick Wolfer  
6503 Kallenbach Rd  
Macon, IL

Ms. Wolfer stated the subject property today is the old Shaw Garden property across from the Conference Center on Route 36. She stated they purchased it some years ago, had been in some legal complications with an owner because they bought it out of bankruptcy. They filed two years ago for a special use permit. She stated they actually have not used it since then, but do finally have plans to use it because the legal issues with the previous owner have been taken care of. She stated it does have restrooms, a pavilion and a lake. Her brother lives in the home that is adjacent to the area that they actually use for the events. She stated they would like to continue to use it for small gatherings for weddings, parties, etc.

Mr. Koretke asked if the house was part of this parcel or separate.

Ms. Wolfer stated no, the residence is there.

Mr. Koretke asked which house her brother lived in.

Ms. Wolfer pointed the house out on the map.

Mr. Koretke asked how much parking they have out there.

Ms. Wolfer stated they can park about 150 cars in the grass area and any time that they have an event, they have two people out there helping with parking. They have, on occasion, made arrangements with the Conference Center for parking and shuttle people back and forth, especially if they have rooms over there. She stated they provide the shuttle service if needed.

Chair Lamont asked if there had been any concerns from any neighbors.

Ms. Hoffman stated we received one letter of opposition which was given to the board members. The letter was from Anthony Grason. We also received one inquiry.

Ms. Wolfer stated that Anthony Grason is the gentleman that owned the property and lost it in foreclosure who has been contesting their purchase through the legal system for about 6 or 7 years.

Mr. Koretke asked Ms. Wolfer if she has a Facebook site.

She stated yes they do have a Facebook and they attend wedding expos, mostly it is word of mouth. She also does not want to do it every weekend like some planners.

Mr. Koretke asked if they have anything scheduled.

Ms. Wolfer stated they have some things for the fall pending this approval.

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

Petition: For a Renewal Special Use permit to use the property as a venue for personal and corporate celebrations.

Parcel Number: 04-12-07-300-006

Location: This property is commonly known as 4202 W. Route 36, Decatur, IL 62521 in Decatur Township.

Acreage: 8.67 Acres

Zoning: R-4 Single Family Residential

### **Finding of Facts**

- This is a renewal special use permit that was originally issued in June 11, 2015.
- The current owners of this property want to continue to hold weddings and other family/ corporate events on the grounds. This property has a history of being occupied for this type of events. It used to be the old Shaw's 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. Therefor the Special Use Permit was needed because this property is zoned R-4 Single Family Residential.
- The use of the land is a commercial use and the surrounding properties are currently being used for commercial with a church on the west side and Decatur Conference Center to the south. Both of the surrounding properties are within the City of Decatur.
- The office did receive one letter of opposition for the renewal of the Special Use Permit.

EFFECTS ON GENERAL WELFARE: The establishment, maintenance, or operation of this Special Use will not be detrimental to or endanger the public health, safety, welfare, and morals.

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 problems with required utilities and facilities.

INGRESS & EGRESS: No known problems with ingress and egress.

CONFORMITY TO REGULATIONS: With the passage of the Special Use Permit 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** with the following stipulations:

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 family members only.
3. Advertising sign regulations on the subject property shall comply with Macon County Zoning Ordinance.
4. Building permits shall be obtained as required.
5. There shall be no parking on the State Highway for any events. Ample parking shall be provided to handle all events on the property.
6. Proof, within 60 days, from an Illinois Department of Public Health Licensed Septic Installer to show that the current septic systems are adequate for all of the events handled by the commercial business. If current systems are not adequately sized, according to

code, new private sewage disposal systems must be installed to meet the demand and requirements.

7. Within 60 days, all private water systems will need to be properly constructed, and tested yearly to ensure the supply is potable. If said property has events more than 60 days a year, a Non-Community Public Water Supply application must be applied for through Illinois Department of Public Health.
8. Within 60 days, if hauled water supply is continued, perimeters such as source, tank protection against contamination and emergency measures much be addressed.
9. If any food is prepared and served at said property, a Macon County Food License will be required and needs to be obtained within 60 days. Licensed catering companies/businesses from certified kitchens will be approved.
10. Said property and all operations shall remain subject to all other applicable local, county, state, and federal regulations. Failure to do so will result in revocation of this special use permit and it will be effective immediately.
11. Hours of operation for the business is 8:00 a.m. to 11 p.m. for 7 days a week.
12. The maximum occupancy number for the property is 250 guests per event.
13. This special use permit shall be for a 10 year period beginning May 11, 2017 and ending May 13, 2027.
14. The Special Use Permit holders are required to apply for a renewal of this special use permit on or before March 3, 2027. Upon a timely application being made, the Zoning Board of Appeals shall hear evidence and testimony regarding compliance with the terms of this special use permit and shall also consider all other relevant matters related to the issuance of a special use permit and recommend to the County Board whether the renewal should be granted or denied.

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

Chair Lamont asked if there are any petitions for next month.

Ms. Hoffman stated yes, we have two with potentially three more coming in today.

ADJOURNMENT: Donald Wilson made the motion to adjourn; Blake Noland seconded. All members present voting, Aye. Motion Carried. (4-0). Meeting adjourned at approximately 8:45 A.M.

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

