

MACON COUNTY ZONING BOARD OF APPEALS

HEARING MINUTES – August 2, 2017

MEMBERS PRESENT

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

COUNTY PERSONNEL PRESENT

Jennifer Gunter, Planning & Zoning Director
Tracy Sumpter, Planning & Zoning
Michael Baggett, Assistant States Attorney

MEMBERS ABSENT

Andy Freeland

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

MINUTES

Donald Wilson made the motion to approve the July 12, 2017 minutes, seconded by Blake Noland. All members present answering, Aye. Motion Carried (5-0).

OLD BUSINESS:

- 4.1 S-01-06-17 a petition filed by Cody & Kathleen Rose requesting the renewal of a Special Use Permit to operate a hair salon at their residence in (R-1) Single Family Residential Zoning. This property is commonly known as 5200 White Oak Ct, Oreana, IL 62554
PIN 18-08-23-253-013

Mrs. Gunter stated this was approved by ZBA July 12, 2017, EEHW approved it July 27, 2017 and it goes to full County Board August 10, 2017.

- 4.2 R-01-07-17 a petition filed by Steve Henry, Executor, R.B. Henry Estate for rezoning approximately 9.886 acres from (A-1) Agricultural Zoning to (RE-5) Single Family Estate Zoning. This property is commonly known as 3877 Kraft Road, Dalton City, IL 61925
PIN 12-17-16-300-001, 12-17-16-151-003 and 12-17-17-200-013

Mrs. Gunter stated this was approved by ZBA July 12, 2017, EEHW approved it July 27, 2017 and it goes to the full County Board August 10, 2017.

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

NEW BUSINESS:

- 5.1 R-01-08-17 a petition filed by Richard & Linda Neihart and Terry Schum for rezoning approximately 3.8 acres from (A-1) Agricultural Zoning to (R-1) Single Family Residential Zoning. This property is commonly known as 5095 S Franklin St Rd, Decatur, IL 62521
PIN 17-16-02-326-002

Terry Schum
3535 E Chestnut Ave
Decatur, IL 62521

Mr. Schum stated he would like to build a home on the property in question. He pointed out the location on the map. He stated the thing he could see with this is more tax revenue for the County. He stated the neighborhood to the East of the property is old and established. There have not been any new houses built on this side of Elwin for a long time. He thinks maybe it would help the neighborhood.

Mr. Koretke asked what the width of the property is.

Mr. Schum stated he would have to look it up.

Mr. Koretke asked if he would center the home on the property and setbacks would be met.

Mr. Schum stated yes.

Mrs. Gunter stated the lot is 183.5 feet wide as described in the legal description.

Mrs. Gunter was called on to present her finding of facts.

Petition: For rezoning approximate 3.8 acres from (A-1) Agricultural Zoning to (R-1) Single Family Residential Zoning.

Parcel Number: 17-16-02-326-002

Location: This property is located at 5095 S. Franklin Street Road in South Wheatland Township.

Acreage: 3.8 Acres

Zoning: A-1 Agricultural Zoning

Finding of Facts

- This is a rezoning from (A-1) Agricultural Zoning to (R-1) Single Family Residential Zoning.

- The rezoning is needed to allow a single-family residence to be built on the property.
- Currently the lot is non-conforming per the Macon County Zoning Ordinance. Section 155.183 states the regulations per lot size for parcels zoned (A-1) Agricultural Zoning is 10 acres and this lot is currently only 3.8 Acres.
- A LESA score was calculated by the Director of Planning & Zoning. This is needed when a property is being zoned from Agriculture to a Residential zoning classification. The score for this property was 153.90 points which suggests the property shall be considered marginal for non –agricultural development and mitigating factors shall be evaluated.
- The surrounding properties are zoned: (A-1) Agricultural Zoning to the north and south, (R-4) Single Family Residential to the west, and (R-1) Single Family Residential to the east.
- There was no floodplain on the property.

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 approximate 3.8 acres from (A-1) Agricultural Zoning to (R-1) Single Family Residential Zoning.

Chair Lamont asked if anyone would like to speak on this matter.

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

5.2 R-02-08-17 a petition filed by Zion Chapel UMC for rezoning approximately 2 acres from (A-1) Agricultural Zoning to (R-1) Single Family Residential Zoning. This property is commonly known as 6478 Nevada Road, Boody, IL 62514
PIN 02-15-11-300-010

Kent Bangert
3625 W Center St
Decatur, IL

Mr. Bangert stated they find that the parsonage on the church property is currently vacant and they are in the process of looking at options on what to do with the property....with the parsonage/vacant house. One option of course is to sell it off. To do that, they need to get this rezoned. That is really all they are coming for. They have to make this step before they can move ahead in making their decision on what to do.

Mr. Koretke asked if we grant the rezoning, would they subdivide...

Mr. Bangert stated potentially they might do that. No decision has been made. They need to do this first before that can even become an option.

Mr. Wilson asked which part of the parcel they are talking about.

Mr. Bangert stated the North part of the parcel where the parsonage sits. They would basically cut it right in half.

Mr. Koretke asked where the parking is located.

Mr. Bangert stated to the North of the Church and also there is parking on the road. Mr. Bangert went on to say that they are not sure they even have enough setback to do it, but they are not prepared to spend the money to have it surveyed until they get through this process. They are in the very beginning stages.

Mrs. Gunter was called on to present her finding of facts.

Petition: For rezoning approximate 2 acres from (A-1) Agricultural Zoning to (R-1) Single Family Residential Zoning.

Parcel Number: 02-15-11-300-010

Location: This property is located at 6478 Nevada Road in Blue Mound Township.

Acreage: 2.0 Acres

Zoning: A-1 Agricultural Zoning

Finding of Facts

- This is a rezoning from (A-1) Agricultural Zoning to (R-1) Single Family Residential Zoning.
- The rezoning is needed to allow the existing house and the church to be separated into two different parcels.
- Currently the lot is non-conforming per the Macon County Zoning Ordinance. Section 155.183 states the regulations per lot size for parcels zoned (A-1) Agricultural Zoning is 10 acres and this lot is currently only 2.0 Acres.
- A LESA score was calculated by the Director of Planning & Zoning. This is needed when a property is being zoned from Agriculture to a residential zoning classification. The score for this property was 170.60 points which suggests the property shall be considered marginal for non-agricultural development and mitigating factors shall be evaluated.
- The surrounding properties are zoned: (A-1) Agricultural Zoning to the east and west, and (R-4) Single Family Residential to the north and south.
- There was no floodplain on the property.

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 approximate 2 acres from (A-1) Agricultural Zoning to (R-1) Single Family Residential Zoning.

Mr. Koretke asked so this property is (A-1) currently and the County basically changed the required lot size.

Mrs. Gunter stated yes, the church has been there for so many years, she is not sure how it got created.

Mr. Koretke stated it is basically an outdated classification; it could have been changed at any time.

Mrs. Gunter stated yes and it could have been, because of the age of the house, that the house was the original farmstead and then down the road the church was added. Churches are normally an (R-1) classification in the County. It could be that it was done and put there before the zoning ordinance for Macon County was even there.

Mr. Hughes asked if the home has its own utilities.

Mrs. Gunter and the landowner confirmed yes.

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

Marcia Potrafka asked when the EEHW meeting would be held.

Chair Lamont stated it would be August 24, 2017 at 5:30 p.m.

Chair Lamont asked if there is anything for next month.

Mrs. Gunter stated yes, we have three.

ADJOURNMENT: Donald Wilson made the motion to adjourn; Blake Noland seconded. All members present voting, Aye. Motion Carried. (5-0). Meeting adjourned at approximately 8:47 A.M.

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