

MACON COUNTY ZONING BOARD OF APPEALS

HEARING MINUTES – February 1, 2017

MEMBERS PRESENT

Barb Lamont, Chairman
Bill Koretke, Vice Chair
Donald Wilson
Ed Leonard, Alternate Member

COUNTY PERSONNEL PRESENT

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

MEMBERS ABSENT

Blake Noland
Andy Freeland
Dennis Hughes, Alternate Member

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

MINUTES

Donald Wilson made the motion to approve the January 4, 2017 minutes, seconded by Bill Koretke. All members present answering, Aye. Motion Carried (4-0).

OLD BUSINESS:

- 4.1** R-01-01-17 a petition filed by Rodney Naron for rezoning approximately 10.1 acres from (R-1) Single Family Residential Zoning to (RE-5) Single Family Estate Zoning. This property is commonly known as 5353 S 85th St., Dalton City, IL 61925 in Mt. Zion Township. PIN 12-17-01-400-003.

Ms. Hoffman stated this was approved by ZBA on January 4, 2017, EEHW approved on January 26, 2017 and it will go to full County Board on February 9, 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** R-01-02-17 a petition filed by Perry Sills for rezoning approximately 6.12 acres from (R-4) Single Family Residential Zoning to (RE-5) Single Family Estate Zoning. This property is commonly known as 8834 Sheets Rd, Oakley, IL 62501 in Oakley Township. PIN 14-08-24-400-009.

Perry Sills
8834 Sheets Road
Oakley, IL 62501

Mr. Sills stated he is here today to change his zoning from (R-4) to (RE-5). The property is presently for sale and he has people interested however, they have expressed the desire to have horses on the property. In doing research, he found out that is not an option at this point with the current zoning.

Mr. Koretke asked if the property is fenced right now for horses.

Mr. Sills stated no. There are some old fences along the North edge, the West and the East, but they have been there for years and are in disrepair. He stated that between his property and Mr. Hubbard's property, there is a good fence because horses are currently on that property.

Mr. Koretke asked who else in the area has livestock.

Mr. Sills stated two houses down have cattle, across the street also have cattle, and he knows that a number of them are zoned (A-1) in the area or (RE-5).

Chair Lamont stated she had been out there and observed quite a bit of livestock up and down the road.

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

Petition: For rezoning approximately 6.12 acres from (R-4) Single Family Residential Zoning to (RE-5) Single Family Estate Zoning.

Parcel Number: 14-08-24-400-009

Location: This property is located at 8834 Sheets Rd in Oakley Township.

Acreage: 6.12 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.
- The rezoning is needed for the property to be able to have livestock. The Macon County Zoning Ordinance Section 155.118 states that the property shall be zoned RE-5 to be able to house animals.

- The surrounding properties are zoned: (A-1) Agriculture to the north and south, (R-4) Single Family Residential to the east and west.
- The Oakley Planning Commission recommended approval of the rezoning for the property.
- There is 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 6.12 acres from (R-4) Single Family Residential to (RE-5) Single Family Estate Zoning.

Bill Koretke made the motion to approve the petition, seconded by Donald Wilson. All members present voting, Aye. Motion carried (4-0).

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

5.2 V-02-02-17 a petition filed by Jeffrey Green requesting for minimum setback from primary structure to be changed from 10 feet to 3 feet in (R-1) Single Family Residential Zoning. This property is commonly known as 3125 S Wheatland Rd, Decatur, IL 62521. PIN 17-12-36-176-008

Jeffrey Green
3125 S Wheatland Rd
Decatur, IL 62521

Mr. Green stated he is looking to put an outbuilding on his property. The purpose of the outbuilding is to store antique motorhome, antique car, sports car, 4 wheelers. Right now, he has them scattered throughout the County. He is trying to get them all in one place and out of mice and harm's way.

Mr. Koretke asked what type of building will this be and will it be up to fire standards?

Mr. Green stated it would be a post frame building. He is not sure exactly what Mr. Koretke is asking.

Mr. Koretke stated in other words, if you have an attached garage, you have to have so much thickness of drywall....

Mr. Green stated it would not be attached to the house.

Mr. Koretke stated he understands that, but the petition is asking for it to be closer to the house.

Mr. Green stated it is actually far enough away from the house, but it is not far enough away from the deck. That is the issue. He stated it is approximately 13 feet from the house, but not that distance from the deck. His original plan was to take the "octagon" portion of the deck off and that would give him enough clearance to get enough width on the outbuilding to make it worthwhile for use.

Mr. Koretke asked the lot size.

Mr. Green stated it is ½ acre and yes, he has overbuilt on the property.

Mr. Koretke stated he is saying there will not be any effect on adjoining properties, so how tall will this building be.

Mr. Green stated the eave height of the building would be 14 feet.

Chair Lamont asked the height of the house.

Mr. Green stated it is a 2-story house. The outbuilding will not exceed the height of the house, he is sure of that.

Mr. Leonard asked the dimensions of the proposed outbuilding.

Mr. Green stated 32x72 and the reason for the length is the antique motorhome that is 40 feet long. In order to get it inside that building, not too easy without length.

Chair Lamont asked where the entrance would be to the garage.

Mr. Green stated it would be on S. Wheatland Road. He has spoken to Gary Hutchens about it. He stated Mr. Hutchens would install a culvert on his property line on the “bottom” of his property (according to the map)

Mr. Koretke asked where he would divert the rainwater coming off the structure, in other words, the concern is the hard-scaping. It is a fairly small lot; you would be reducing the drainage in the area. He asked Mr. Green where he puts his rain water right now.

Mr. Green stated the guttering on the house is ran to the ditch through hard pipe, and that is what he plans to do with this also.

Mr. Koretke asked if he has standing water during big rains.

Mr. Green stated no, Gary Hutchens has been out there over the past year or so doing some ditch cleaning etc., but he personally does not have standing water, but his neighbor 2 doors down does, but he thinks it is still a work in progress on his part.

Mr. Leonard asked the depth of Mr. Green’s lot.

Mr. Green stated he is not exactly sure, but it is about 120 feet maybe.

Mr. Green pointed things out on the map i.e. distance from house, deck, where the proposed building will sit etc.

Mr. Green stated he already has a 2-car garage plus cars parked outside. He is trying to get everything inside of a building.

Mr. Koretke asked if he has talked to his neighbors about this.

Mr. Green stated he has talked to her, she asked him what it was for; he told her he was putting an outbuilding in. He did not go into great detail.

Chair Lamont asked if she knows the size of the building.

Mr. Green stated no, not that he knows of. She just asked him what it was for and he told her he was trying to put an outbuilding with a driveway next to hers. He stated they do not speak a lot.

Ms. Hoffman asked if we had received any calls on this one. Ms. Sumpter stated no.

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

Petition: For a Variance requesting for the minimum setback from primary structure to be changed from 10 feet to 3 feet in (R-1) Single Family Residential Zoning.

Parcel Number: 17-12-36-176-008
Location: This property is commonly known as 3125 S. Wheatland Road in South Wheatland Township.
Zoning: R-1 Single Family Residential
Acreage: .45 Acres

Finding of Facts

- Petitioner wants to build a shed with a setback of 3 feet off the primary structure/ deck instead of 10 feet. In order to achieve the 3 feet setback the octagon portion of the deck must be removed.
- The variance is needed to allow the shed to be built closer to the house than the required 10 feet. Under the Macon County Zoning Ordinance, Section 155.051 (B) (7) states no accessory building shall be placed closer than ten feet from a principal building.

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 a variance for the minimum setback from the primary structure to be changed from 10 feet to 3 feet in (R-1) Single Family Residential Zoning.

Chair Lamont asked Ms. Hoffman is there is any kind of ratio for building to land size.

Ms. Hoffman stated there is, but normally for the County, the lots are too big to even meet the ratio.

Mr. Koretke asked what the minimum setback is from the property boundaries.

Ms. Hoffman stated if you are 60 feet from your front property line, you could be as close as 3 feet from the side and the rear for an accessory building.

Donald Wilson made the motion to approve the petition, seconded by Bill Koretke. Three members voting, Aye, one member voting Nay. Motion carried (3-1).

5.3 R-03-02-17 a petition filed by Jeremy Phillips for rezoning approximately 9.1 acres from (R-1) Single Family Residential Zoning to (RE-5) Single Family Estate Zoning. This property is commonly known as 2518 S Wyckles Rd, Decatur, IL 62522.
PIN 17-12-30-301-001

Jeremy Phillips
2518 S Wyckles Rd
Decatur, IL 62522

Mr. Phillips stated his lot is currently zoned (R-1) and he would like to be in compliance and change it to (RE-5). He currently has some goats and chickens, potentially some horses later, but nothing right away. His neighbors have horses and the lot he owns across the street is zoned (RE-5). He stated that really he just wants to be in compliance.

Mr. Koretke asked how far his outbuilding/livestock building is from the property line.

Mr. Phillips stated the one for the goats is about 80 feet from the lot line and it is a portable building, not permanent, therefore if there are ever any issues he can move that around. He stated they are in compliance on that part. He stated that anyone that has been there since he has owned the property, it is a huge difference. It was a mess in the past.

Ms. Hoffman stated that her office has not had any complaints on this property, this petition was not complaint driven.

Mr. Phillips stated that this has nothing to do with anyone that has said anything to him. He just wants to be in compliance.

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

Petition: For rezoning approximate 9.1 acres from (R-1) Single Family Residential Zoning to (RE-5) Single Family Estate Zoning.

Parcel Number: 17-12-30-301-001

Location: This property is located at 2518 S. Wyckles Road in South Wheatland Township.

Acreage: 9.1 Acres

Zoning: R-1 Single Family Residential

Finding of Facts

- This is a rezoning from (R-1) Single Family Residential to (RE-5) Single Family Estate Zoning.
- The rezoning is needed for the property to be able to have livestock. The Macon County Zoning Ordinance Section 155.118 states that the property shall be zoned RE-5 to be able to house animals.
- The surrounding properties are zoned: (R-1) Single Family Residential north, east, and south, (RE-5) Single Family Estate and RMH-5 the west.
- 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 9.1 acres from (R-1) Single Family Residential to (RE-5) Single Family Estate Zoning.

Donald Wilson made the motion to approve the petition, seconded by Bill Koretke. All members present voting, Aye. Motion carried (4-0).

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

5.4 V-04-02-17 a petition filed by William & Amanda Campbell requesting for minimum side setback to be changed from 50 feet to 14 feet in (A-1) Agricultural Zoning. This property is commonly known as 1750 S Esther Ave, Decatur, IL 62521
PIN 09-13-22-400-003

William Campbell
1750 S Esther Ave
Decatur, IL 62521

Mr. Campbell stated he would like to put a room addition coming off the east side of the house. Currently the house on the south side is 14 feet from the property line; the addition will stay in line with the south side of the house. He will not encroach any further than what the house already is now.

Mr. Koretke stated so this variance is just to keep it in line with the house.

Ms. Hoffman stated the variance is because the side setback for (A-1) zoning has to be 50 feet so the house is already non-conforming. The ordinance states she cannot issue a building permit if it is already non-conforming. The variance is to allow the side setback to continue to be the 14 feet. She feels what happened was that was original farmstead on that farm and when the house was separated from the farmland; the surveyor did not consider the regulations.

Mr. Koretke asked if the original house is included in this variance.

Ms. Hoffman stated no, the original house already exists. This is for the addition only. She stated we cannot correct what is already there.

Mr. Koretke asked so they would not have to come back at a later date then.

Ms. Hoffman stated no, a variance, once it is approved will stay with the property.

Mr. Koretke asked Mr. Campbell how long he has owned the property.

Mr. Campbell stated they purchased this past fall.

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

Petition: For a Variance requesting for the minimum side setback to be changed from 50 feet to 14 feet in (A-1) Agricultural Zoning.

Parcel Number: 09-13-22-400-003

Location: This property is commonly known as 1750 S. Esther Ave in Long Creek Township.

Zoning: A-1 Agricultural Zoning

Acreage: 5.00 Acres

Finding of Facts

- Petitioner wants to build a room addition onto the existing house. However, the existing house is only 14 feet off the property line.
- The variance is needed to allow the room addition to be built closer to the side property line. Under the Macon County Zoning Ordinance, Section 155.183 states in agricultural zoning all setbacks for a primary structure shall be 50 feet from all property lines.
- The Planning & Zoning Department is assuming this property used to be part of a larger farm surrounding the house. The house was split from the farm ground because it was built prior to 1970. However when the house was split the surveyor did not set the house off 50 feet from all of the property lines and made the current structure nonconforming.
- 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 a variance for the minimum side setback to be changed from 50 feet to 14 feet in (A-1) Agricultural Zoning.

Donald Wilson made the motion to approve the petition, seconded by Bill Koretke. All members present voting, Aye. Motion carried (4-0).

Chair Lamont asked Ms. Hoffman if there is anything for next month.

Ms. Hoffman stated we have potentially three for next month, two variances and a special use permit. She informed the board that all three of these will be on one property.

Chair Lamont asked how...

Ms. Hoffman stated it could not be discussed; it is not on the agenda.

Chair Lamont stated she thought you could only have one on each property, that is what she was asking.

Ms. Hoffman stated no, you could have more than one if there are more issues on the property.

ADJOURNMENT: Donald Wilson made the motion to adjourn; Ed Leonard seconded. All members present voting, Aye. Motion Carried. (4-0). Meeting adjourned at approximately 8:55 A.M.

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