

MACON COUNTY ZONING BOARD OF APPEALS

HEARING MINUTES – July 12, 2017

MEMBERS PRESENT

Barb Lamont, Chairman
Bill Koretke, Vice Chair
Blake Noland
Andy Freeland
Donald Wilson

COUNTY PERSONNEL PRESENT

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

MEMBERS ABSENT

Dennis Hughes
Ed Leonard, Alternate Member

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

MINUTES

Donald Wilson made the motion to approve the May 3, 2017 minutes, seconded by Bill Koretke. All members present answering, Aye. Motion Carried (5-0).

OLD BUSINESS:

- 4.1** V-01-05-17 a petition filed by Norman & Deborah Burrow requesting the required front setback be changed from 35 feet to 19 ½ feet and the required side setback be changed from 10 feet to 7 feet in (R-1) Single Family Residential Zoning. This property is commonly known as 3737 W Catherine St, Decatur, IL 62526 in Decatur Township
PIN 04-12-06-427-003

Mrs. Gunter stated this petition was approved by ZBA on May 3, 2017

- 4.2** S-02-05-17 a petition filed by Brett Thompson requesting a Special Use Permit for the installation of a certified kitchen for the production of pepper sauces, jellies and salsas for potential market sale in (A-1) Agricultural Zoning. This property is commonly known as 4485 N Oakley Rd, Oakley, IL 62501 in Oakley Township.
PIN 14-08-25-200-021

Ms. Hoffman stated this petition was approved by ZBA on May 3, 2017. EEHW approved on May 25, 2017 and full County Board approved June 8, 2017.

- 4.3** V-03-05-17 a petition filed by Larry Collins requesting the required side setback be changed from 50 feet to 38 feet in (A-1) Agricultural Zoning. This property is

commonly known as 10980 Cemetery Rd, Argenta, IL 62501 in Friends Creek Township.
PIN 05-04-30-300-001

Mrs. Gunter stated this petition was approved by ZBA on May 3, 2017

- 4.4** V-04-05-17 a petition filed by Jeff & Rachel Harris requesting the required minimum lot size be changed from 10 acres to 3 acres in (A-1) Agricultural Zoning. This property is commonly known as 8815 Caleb Rd, Argenta, IL 62501 in Whitmore Township.
PIN 18-08-13-451-004

Mrs. Gunter stated this petition was approved by ZBA on May 3, 2017

- 4.5** V-05-05-17 a petition filed by Jeff & Rachel Harris requesting to change the front lot line requirement from 66 feet to 50 feet in (A-1) Agricultural Zoning. This property is commonly known as 8815 Caleb Rd, Argenta, IL 62501 in Whitmore Township.
PIN 18-08-13-451-004

Mrs. Gunter stated this petition was approved by ZBA on May 3, 2017

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

NEW BUSINESS:

- 5.1** 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

Kathleen Rose
5200 White Oak Ct
Oreana, IL 62554

Mrs. Rose stated two years ago they petitioned for a special use permit to have a salon in their home. She stated it has gone really well so they would like to continue.

Mr. Koretke asked if there had been any parking problems.

Mrs. Rose stated all her customers park in her driveway. She does not typically have more than one customer at a time or more than a couple customers in a day because she stays home with

her daughter. Parking has not been an issue.

Mr. Freeland asked if there had been any complaints.

Mrs. Rose stated no.

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

Petition: For a renewal of a Special Use permit to operate a hair salon at their residence in Single Family Residential (R-1) Zoning.

Parcel Number: 18-08-23-253-013

Location: This property is commonly located at 5200 White Oak Ct in Whitmore Township.

Acreage: .67 Acres

Zoning: R-1 Single Family Residential

Finding of Facts

- In the Macon County Zoning Ordinance (Section 155.008) within the definitions of Home Occupation (Subtitle 8) states a professional person may use his or her residence for consultation, emergency treatment, or performance of religious rites but not for the general practice of his or her profession and further a barber or beauty shop, dentist, physician, insurance or real estate offices shall not be construed to be HOME OCCUPATIONS.
- A Special Use Permit is defined at a use, either public or private, which, because of its unique characteristics, cannot be properly classified as a permitted use in any particular district or districts.
- This Special use permit was first issued in 2015 and our office has never received any complaints on the property.

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. Employee shall be limited to the resident that resides on the property.
3. Advertising sign regulations on the subject property shall comply with Macon County Zoning Ordinance.
4. Building permits shall be obtained as required.
5. 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.
6. Special Use permit shall be for a 10 year period beginning August 10, 2017 and ending August 12, 2027.

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

- 5.2** 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

Bill Beck (Representing Steve Henry)
William Beck Auction & Realty
1432 E 2300 North Rd
Edinburg, IL 62531

Mr. Beck explained Mr. Steve Henry lives in Arizona, which is the reason he is representing. He stated the property is south of the Mt Zion High School on Kraft road. It is a shade under 10 acres. He stated there is both residential and agricultural zoning in the area. He stated they would be selling this at public auction in October but they are wanting to divide it as to meet compliance with the zoning ordinance. He stated Ron Lamb is doing the survey and they are going to sell the two houses on the North side and then the South side, which will be a fraction over five acres in order to be in compliance and then they will offer it as two tracts. The reason for this is there is an opportunity for the property to the South, which is separated by trees. It would be a prime building place for the Mt Zion area. He could easily see a \$200,000 to \$300,000 home going up there. It would certainly bring money to the county as well as Mt Zion school district. It is a type of property that would be a select, in demand, with a great school district. He believes it to be a win for everybody.

Chair Lamont asked if it would be on well water or Mt Zion water and if it would be septic.

Mr. Beck stated there is water to the corner...

Mrs. Gunter stated the properties across the street already have village water. She stated that was another rezoning that had taken place previously. There is village water right there but it will be on septic because the rest of them are.

Mr. Koretke asked if this whole site is just under ten acres.

Mr. Beck stated yes, 9.886 acres.

Mr. Koretke asked if the parcel number in the description is a new parcel number.

Mrs. Gunter stated bottom line, this is a mess. What we are looking at here is three different parcels. When they put in Kraft Road long ago, she does not know what all happened with the bend in the road, but there are three parcels here. This needs cleaned up. It is all zoned A-1 which has a minimum lot size of ten acres so none of these conform. What they want to do is rezone all of it to RE-5 Single Family Estate then Ron Lamb will do a subdivision and they will cut off the bottom part where the trees are (Mr. Beck pointed this out on the map). She stated this does not fix the problem to the north. What they want to do with that is when they sell it at auction; they are going to probably sell the two house to the same person. This will have to be fixed.

Mr. Koretke asked if they would split that again. How would he sell two houses?

Mr. Beck stated there are two deeds.

Mr. Koretke asked if we are talking two parcels or three parcels.

Mr. Beck stated there would be two parcels (which he pointed out on the map)

Mr. Koretke asked if the buyer would get two houses.

Mr. Beck stated yes, all of the buildings.

Mr. Koretke stated this is not really fixing the problem.

Mrs. Gunter stated they are fixing half of the problem but not all of it. They will have to figure out how to divide off both houses because zoning ordinance states you cannot have two houses on one parcel. That is another issue for the new buyer.

Mr. Koretke stated, "so we will see them again"

Mrs. Gunter stated the ZBA board probably would not see it but it will go through a sub division, which would be approved by EEHW.

Mr. Koretke asked why are not fixing it at the sale.

Mr. Beck stated basically, whoever buys it, if we sell it all as one tract, they are going to do what he is proposing today. They would say hey, I see the potential to make money and reduce the cost of buying this whole tract so it is his obligation to get the most money for the estate he is proposing they will spend some money for the survey and everything and make this a very attractive building spot for someone wanting to build a new home close to the high school.

Mr. Koretke stated he understands, so with two residences there, will there need to be a separate driveway.

Mr. Beck stated no, the driveway comes into both of them.

Mr. Koretke asked if both residences were livable.

Mr. Beck stated yes, absolutely. They have been very well taken care of. He stated whoever buys this tract would have a nice income from the other house.

Mr. Koretke asked if this would be allowed.

Mrs. Gunter stated she has not seen what they are going to do for the subdivision yet. That is down the road, but what the rezoning does right now is allows them to clean this mess up down the road. She stated it is already a mess; the property line is down the middle of the shed. Chair Lamont asked if the property would go clear to the road.

Mrs. Gunter stated yes for road frontage.

Mr. Koretke asked Mr. Beck if he had talked to a developer about where the driveway will come in for the southern property, there is a ravine across there right?

Mr. Beck pointed out an opening on the map.

Mr. Freeland stated there is a culvert where that creek comes across, just south of that culvert is where you could go in.

Mr. Koretke stated so basically the property lines will be re-drawn after the sales. He stated maybe one person would buy it all.

Mr. Beck stated that is very possible. He has interest from people that want to buy it all.

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

Petition: For rezoning approximate 9.886 acres from (A-1) Agricultural Zoning to (RE-5) Single Family Estate Zoning.

Parcel Number: 12-17-16-300-001 / 12-17-16-151-003 / 12-17-17-200-013

Location: This property is located at 3877 Kraft Road in Mt. Zion Township.

Acreage: 9.886 Acres

Zoning: A-1 Agricultural Zoning

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 parcels to be able to be split into lots that conform to Macon County Zoning Regulations. Currently the lots are non-conforming per the current ordinance. The Macon County Zoning Ordinance Section 155.183 states the regulations per lot size for parcels zoned (RE-5) Single Family Estate Zoning.
- 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 132.10 points which suggests the property shall be deemed acceptable for non-agricultural development.
- The surrounding properties are zoned: (A-1) Agricultural Zoning to the north, east, and south, (RE-5) Single Family Estate to 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 9.886 acres from (A-1) Agricultural Zoning to (RE-5) Single Family Estate Zoning.

Mr. Koretke asked just to be clear; we are rezoning the whole parcel.

Mrs. Gunter stated yes, that is why in the description of the legal publishing, there was three parcels.

Mr. Koretke stated but we are not creating the minor subdivision.

Mrs. Gunter stated no, that will be down the road.

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

Chair Lamont asked if there is anything for next month.

Mrs. Gunter stated yes, we have two.

ADJOURNMENT: Bill Koretke made the motion to adjourn; Donald Wilson seconded. All members present voting, Aye. Motion Carried. (5-0). Meeting adjourned at approximately 8:53 A.M.

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

