

MACON COUNTY ZONING BOARD OF APPEALS

HEARING MINUTES – March 1, 2017

MEMBERS PRESENT

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

COUNTY PERSONNEL PRESENT

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

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

MINUTES

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

OLD BUSINESS:

- 4.1** 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.

Ms. Hoffman stated this was approved by ZBA on February 1, 2017, EEHW approved on February 23, 2017 and it will go to full County Board March 9, 2017

- 4.2** 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.

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

- 4.3** 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.

Ms. Hoffman stated this was approved by ZBA on February 1, 2017, EEHW approved on February 23, 2017 and it will go to full County Board March 9, 2017

- 4.4** 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.

Ms. Hoffman stated this was approved by ZBA on February 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-01-03-17 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.

David Harp
1852 W Sunset Ave
Decatur, IL 62522

Mr. Harp stated he works for BGM & Associates. They have been the engineers for the Village of Harristown for 20 + years. Back in 2008, the Village had gotten into a consent agreement with Illinois Environmental Protection Agency for their existing wells. Their existing wells are very shallow and they have served the Village well for the last 40 years, but they had some problems with bacteria in the wells. No problem with bacteria out in this system but they have been encouraged by EPA very strongly to look for a different well source and to get deeper wells. He stated they have been looking for potential well sites since that time. A municipal well is very different from a residential well. There are a limited number of sites that will provide the quantity and quality of water for a municipal water system. They have looked at various sites. They've looked South of the interstate near the Vulcan gravel pits, they have looked at maybe a deeper formation in their existing well field which is about a mile East and ¼ mile North of the Village of Niantic and there just isn't a good place around the Village existing facilities to put a well site. At Illiniwick and Lincoln Memorial Pkwy is one of the areas where good readings from a resistivity survey performed by the State Water Survey showed a potential for a good well site. They have performed a test boring there. The formation is there, there is a good potential for a municipal well and so the Village has entered in an agreement with the property owner to see if it can actually sustain a good well. Unfortunately the area that they are looking at (the flag handle of the lot). He states that part of the lot is basically un-usable because of the setback requirements. The property itself is taken up by part of a township road easement so there is really only 33 feet of buildable property. The ¼ acre size is what they really need for

a well. He stated that if they did the whole 1 acre of property, it would significantly impact the property owner's ingress and egress and really take away from the owners existing property.

Mr. Koretke asked if they were just looking for a wellhead site and small building.

Mr. Harp stated yes, that is all they would need. He stated there is a culvert on the East off Lincoln Memorial Pkwy that was used to get the drill rig in and out. They would use that as an existing ingress and egress for that well site. He stated what you would see there would be a small control building. He stated that is not necessary, but it would certainly help a lot for the operator to maintain, testing of equipment and provide a little bit of security for the equipment itself. There would be an underground valve vault, not totally underground, it would stick up maybe 6-8 inches and a wellhead. He stated they would like to put a fence up around the facility itself for security purposes and such but again that is not strictly necessary.

Mr. Leonard stated this site is a long way from the water treatment plant.

Mr. Harp stated yes it is. That goes back to the geological formation. There have been numerous historical surveys done by the State Water Survey. The existing well field is in one of those areas but there does not appear to be a good candidate for a municipal well until you get up to there. Technically, there are some sites that are closer, there is a site South of the interstate near Vulcan gravel pit that could probably provide a good well but by the time you bore under the interstate and a couple of railroads and you actually get it up to the plant itself, it is more cost effective actually to go 6 miles away. He stated if they were able to go down Lincoln Memorial Pkwy with a transmission main, they would be able to tie into the Village's existing transmission main from the current well site.

Mr. Leonard asked if he proposes to go down the township right of way.

Mr. Harp stated they would have to get easements from everyone but yes, that is one route, or go back over to Kenney Rd and come South and be a little bit longer but they would have to.....

Mr. Leonard asked if they are proposing to put the well in and not have a plan of how you will get to your water treatment plant.

Mr. Harp stated there are many pieces to this puzzle. He stated that one of the questions was where do they start first? Do they go out and negotiate for easements for a transmission main, do they try to find out first if there is water available to the quantity and quality that they need, they have to begin somewhere and this is where we thought we would begin. Because if the water is not there, then there is no point in it.

Ms. Hoffman stated from the map that he had supplied her and the ZBA, the front property line is showing all the way to the middle of the road, our maps show that it goes on the edge there. Where were the pins?

She asked if the road commissioner knew, he stated he did not.

Mr. Harp stated he is relying on their land surveyors for this information. They went out and did a check of the property. He stated that the maps are a little different, but they found that the North/South distance of that flag portion is 66 feet, 33 feet of which is roadway easement, leaving 33 feet of actual non-roadway easement remaining.

Mr. Wilson asked Mr. Harp exactly where they wanted to put the well.

Mr. Harp pointed out the location on the map. He stated they would want to put the well as close as possible to the west end of the ¼ acre because in the event of say another well needs to be drilled in 80 years, there would be a place to come back and put another well.

Mr. Koretke stated that moves it away from the intersection.

Mr. Harp agreed, it moves it away from the intersection, makes it less visible. If you have been out there, you have seen the row of oak trees, and they are trying to minimize any impact to those. The trees also add a nice site screen.

Ms. Hoffman asked if the trees would have to be removed to be able to put this in here.

Mr. Harp stated no. They want to keep the trees. The property owner would like to keep the trees and it would be a shame to have to do anything to those. The test well was drilled, they were able to get their drilling rig up and elevated and do the test boring down to 90 feet. He stated that the drillers told them it can be done without harming the trees. He stated that is why they want the ingress/egress off Lincoln Memorial Pkwy on the East side. That way they do not have to tear down a tree.

Mr. Leonard asked if the proposed depth of the new well is 90 feet.

Mr. Harp stated he does not have the exact figure but is in the 90 feet range.

Mr. Leonard asked and what you refer to as the shallow wells or the old wells, how deep are they.

Mr. Harp stated they are all less than 40 feet. He said they have done well over the years; they got their money's worth out of those.

Ms. Hoffman asked Mr. Harp about the fence he mentioned earlier. She stated this is the first she is hearing about this. She asked what kind of fence they would be putting up. She stated we have this problem in the county when it's on a corner like that at an intersection, it can only be like.....from the 25 feet within the intersection it can only be 3 feet and then go up from there, what kind of fence is being proposed.

Mr. Harp stated it would be a chain link fence with probably barbed wire along the top, but it would only be around the well site itself, it would not extend out towards the intersection. The footprint of that would be as small as possible.

Mr. Baggett asked for clarification, Mr. Harp indicated before, one of the goals here is to site the well farther into this “flag handle”, and away from the intersection, what kind of distance from the intersection is he thinking. He stated he thinks that might address Ms. Hoffman’s concern.

Mr. Harp stated on the site plan they have sketched out the existing well building is proposed to be 90 feet from the right of way line of Lincoln Memorial Pkwy. He pointed this information out on the map (wellhead and control building locations) he stated those are really the only things that need to be enclosed.

Mr. Baggett stated that 25 feet is our ordinance where you have a height restriction. Beyond 25 feet, we would not have a concern with respect to the height of the fence. He asked if that was an accurate assessment.

Mr. Harp apologized to Ms. Hoffman for springing this on her at the last minute.

Ms. Hoffman stated that is alright, but she just wants to make sure because she has issues right now on a corner lot like this and with the fence.

Mr. Harp stated they do not want to cause issues.

Ms. Hoffman stated she wants to make sure everything is up front here.

Mr. Koretke asked Mr. Harp if the maintenance person would be able to show up there, pull off the road, and not have to open a gate or anything.

Mr. Harp stated that is correct.

Mr. Koretke asked how much would be gravel driveway.

Mr. Harp stated it would need to be an all-weather surface back up to and around the well itself, up to the well building.

Mr. Koretke stated so 90 feet of roadway.

Mr. Harp confirmed yes about that.

Mr. Hughes asked what type of volume of water they were looking for. He said in the application they mentioned there would be no detrimental effect, except maybe possible neighboring landowners. How would they address that?

Mr. Harp stated that is what everyone is always concerned about when they hear a new well is going in. Mr. Harp said that is very understandable, if he had a well in the area, he would be concerned about it also. The volume that Harristown really needs is going to be probably not more than 120 gallons per minute, currently their usage is down to less than 90,000, peak days and during the summer of course usage will go up but it is not going to be anything say like Decatur pumps from the Dewitt well field, nowhere near that at all. The agreement with the current property owner is that say during this test well pumping, they will pump for several hours

at say 1.5 times what the Village actually needs to establish the ultimate capacity of the well and to help identify how far that drawdown is going to occur and what sort of effects they have. If someone is concerned about how their well will be affected, they can notify people or help them while the test pumping is being done that is simply of matter of checking to see how their well is affected. The static water level when the test pump is going on, they will have a static water level before the test pump, and while the test pump is going on that same level again and if it drops 20 feet, then something will probably have to be addressed, but if it's largely the same, then they should be fine. During the test pump, that would be the most that is ever pumped out of that well.

Mr. Koretke asked how far out do you go.

Mr. Harp stated exactly, Warrensburg has their own municipal well about 2.5 miles to the East. He does not know of anyone that has been affected by that. The zone of depression from the smaller municipal wells, it is there, it can cause an effect, and it does not go out as far as many people believe.

Mr. Leonard asked how deep the Warrensburg well is.

Mr. Harp stated 120 to 140 feet range. Their newest one.

Ms. Hoffman said going back to the fence issue, the 25 feet she had talked about earlier, the ordinance states that in any residential district, no fence, wall, hedge or shrubbery shall be erected, constructed, maintained or grown to height exceeding 3 feet above the street grade nearest hereto within 25 feet of the intersection of any street lines or street line projected. This property is zoned agricultural so therefore, the 25 feet and the 3 feet of the fence would not pertain to this. In this instance, she understands why they want a fence, and she is not opposed to fence but we at least need some setbacks for street view to make sure visibility is accurate in the intersection and that it does not create a traffic hazard for the public safety.

Mr. Harp agreed. He stated in the event that somebody's well is affected, and it needs to be addressed, what they promise to the property owner is to lower their well, so that it is down below the zone depression from the Harristown's well. The farther out you go, the less effect it is going to have. If somebody's well is affected, they can lower the well. The things we have in this world, you have air, which is probably most immediate, and then you have water right after it. Harristown needs a new well and a new water supply. In the long scheme of things, if we lower a residential well or five residential wells, it is worth the price.

Mr. Leonard asked Mr. Harp why they do not do this as part of the project.

Mr. Harp stated that it could be part of it. At this point, they are wanting to do a test hole and trying to get the ducks in a row. Right now, they just want to drill a hole and see if the quantity and quality of water is there. They have the soil borings and they say the sand and gravel is there, but they cannot pump from a test hole. Yes, it is wet when it comes up but that does not tell them a whole lot. It is a promising sight. If the test hole goes good then they will come back and do a full production well, put in the valving and the vault and then the control structure, and

then at that time, yes that can all be included as part of that buildout of the full well. It certainly can be, that would be the best way to do it.

Mr. Leonard said he used the term could, but he did not hear the word “will” or “shall” it was said that you “could” lower them if there was a problem. Mr. Leonard just feels this would be a big concern for the neighbors.

Mr. Harp agreed and stated some people are here and have that very same concern he is sure.

Mr. Leonard asked Mr. Harp if he would go on record here as saying that they will lower their wells if they put the well in there as part of the project.

Mr. Harp stated he cannot speak, he has not be authorized by the Village of Harristown to that extent, but he is sure that they want to be good neighbors to.

Chair Lamont asked if anyone else would like to speak.

David Batchelder
8584 W Illiniwick Rd (1/2 mile East of proposed site)
Warrensburg, IL

Mr. Batchelder stated in 1968 he had a well drilled 120 feet deep, the water came to within 20 feet of the surface. He set the pump down at 80 feet and had so much iron in the water they could not get it out. He raised the pump to 40 feet. The first drought they had, they kicked the wells on in Argenta and he ran out of water. He dropped it to 55 feet. The next drought, he ran out again. He now has his pump at 75 feet. The lower he goes with it, the more iron he gets in the water and it is hard to get out. This is his complaint, he is afraid they are going to run him out of water.

Mr. Koretke asked which aquifer it would be pulling from. If this person is being affected all the way...

Mr. Batchelder stated the Mahomet aquifer.

Mr. Harp stated he is not as familiar with the aquifer geometry as some people are but he knows, it is a long way to pull water. They do pump a lot of water from those wells over in Dewitt County when they turn those on. This is the first he has heard. He apologizes and stated he would be very concerned also under those circumstances.

Mr. Koretke stated that would mean Warrensburg itself would have a problem.

Mr. Harp stated they have also been the engineers for Warrensburg for a number of years. They have not reported any problems with their wells. Of course, their wells are a little deeper too and they do treat for iron.

Mr. Koretke said they need to address the problem of treating the water as well if it is going to create an iron problem in that zone of depression. You not only have to get them water, you have to treat it.

Mr. Harp agreed.

Joe Brown
6869 N Lincoln Memorial Pkwy
Warrensburg, IL

Please see attached Exhibit "A" that was read directly to Zoning Board of Appeals members.

Mr. Brown added that we do not have at this meeting, the Regional Water Commission who were at the Village meeting to discuss the municipal water needs of Harristown. They addressed that their costs were 1/3 the cost of the Village putting down their own well and maintaining it. He does not know what has happened to that, he assumes that the municipal people are not here and it does not appear that there is anyone here from the Village of Harristown. He finds that interesting.

Mr. Koretke asked Mr. Brown if he was spreading manure around the Fowler residence right now.

Mr. Brown stated not presently, but they have not had the cattle farm there but about 2 years.

Mr. Koretke said but they have a well there so you have to stay 100 feet back from that.

Mr. Brown stated the property line is already 100 feet back from their well site.

Mr. Koretke stated that is what he needed to know, but he is looking at it and it looks to him like....

Mr. Brown stated presently, but what does the future hold.

Mr. Koretke stated yes he understands that. Therefore, where the wellhead is going to be located, how far is that from your setback from the Fowler residence.

Mr. Brown pointed some locations out on the map.

Mr. Koretke said so what you are telling us is that you could actually spread manure around that property.

Mr. Brown stated that is correct. He has contacted the Illinois Farm Bureau and that was the information from their lawyer that was given to him. There is a state statute concerning water supplies and animal waste.

Chair Lamont asked if there was anyone else who would like to speak.

Francis Figura
7036 N Lincoln Memorial Pkwy
Warrensburg, IL

Mr. Figura showed on the map his property in reference to the proposed well site. He also pointed out his own well site. The distance is approximately 85 yards from his well to the proposed well. He stated his well is about 50 feet at best, it is a shallow well. He has owned this property for almost 50 years. In times of drought and dry spells, he does have water hauled in as it is. The distance that they propose to drill this well is 90 feet at least. He has been in contact with the Illinois State Geological Survey, a gentleman named Jason Thompson, he has informed that at that depth, if it is 100 feet or less, it will severely impact his area. Mr. Thompson also directed Mr. Figura on a conference call that he had yesterday with the EPA. He has not had any knowledge of any permits being talked about or issued for any type of surveys or drilling in that area which kind of raises a question. Jason also had not had any information regarding any surveys as far as impact on the area wells at this time, which is a problem to Mr. Figura. Another part of this is that about 3 or 4 years ago he spoke with Gordon Shrishoon who at that time was the Village President of Harristown. He proposed the same thing using Mr. Figura's property they wanted to drill a municipal well. Mr. Figura did consider it and spoke with his attorney. The impact on the neighboring wells was a big issue at that time. Mr. Shrishoon informed Mr. Figura at that time that they would drill a second well for Mr. Figura's own personal use if that were what it would take to swing the deal. Mr. Figura asked him about the surrounding areas and neighboring wells and Mr. Shrishoon stated at that time they would just have to take it one-step at a time. In a conversation with Arlin Fowler who is the owner of the land (Mr. Figura pointed out Mr. Fowler's well location on map), he stated that is a distance of about 250 yards rather than 85 yards from what his is. Mr. Figura stated that Mr. Fowler had stated to him in a conversation last fall that Harristown did intend to drill him a well for his use. He stated that he knows Mr. Harp said he was not sure whether it was going to be something that would be addressed with the owner and if it is a concern for the property owner's well then it is obviously a concern for the neighboring wells. Mr. Fowler's well according to the gentleman from the EPA has a depth right now of 106 feet so....he states he is not a geologist but he knows water doesn't run up hill. Mr. Figura goes on to say that if they will be drilling a well for Mr. Fowler's use, it is obviously acknowledged that there is a concern about the area wells. He stated that is his first concern, he knows that the setback distance was brought up. His personal observation (he points out the tree line and a road that leads to a chemical plant on the map) he states during planting season and harvest season there is a considerable amount of traffic that goes up and down that road and farm vehicles. About 12 years ago there was a very serious accident at the intersection because of the blind spot a girl was very seriously injured and her car ended up in Mr. Figura's yard. He stated that was all because of the obstruction of that particular area. Safety wise, he would say that if you were going to put anything else that will obstruct the vision in that area, it would be a big concern. He does not think that anybody wants to have the liability of that type of issue. He stated these are his concerns and he is requesting that the board not grant the variance for the well or the setback.

Brian Gilman

9349 Park Rd
Decatur, IL

Mr. Gilman stated he has a Decatur address but it is only 2 miles South of the well site. He is the road commissioner for Illini Township. He said he not very prepared but he just had some concerns. It is a dangerous intersection. He has been road commissioner for 16 years and there were yield signs at that intersection and then they changed it to stop signs and whether that helped it or not he is not sure because if you do stop, you cannot see going back to the West because of the trees. He loves trees, if you were to see his own lot, it looks like a forest but they are back away and not causing any problems with intersections. He stated that another concern of his is public safety on the roads. The size of the building concerns him for obstruction/visibility. He said he was not exactly sure of the size but it was said that it is a small building.

Mr. Harp stated 8x8 tops.

Mr. Gilman stated that could still create a blind spot. They are already having trouble with the trees because on the right of way, close to the right of way, hanging over the right of way.....they have to trim them back, try to keep the equipment going under. His other concern was the impact on the people's wells which he does live 2 miles away to the South; his well is an 80 foot well. It is hard, he does not know whether it is on the same aquifer or not, he has not studied that much. He is also concerned about the impact on the township roads. He does not know that he understood if they were going to try running the pipe in the township right of way or on private property right of way.

Mr. Harp stated they would try to run it on private property, to run it in the townships easement; they would need permission to do so. They would like to keep it more on private property.

Mr. Gilman stated he rather has a concern if it will be on township right of way. He stated the fence around it would create visibility issues also. He asked Mr. Harp how long they would pump for the pumping test.

Mr. Harp said probably 8 hours.

Mr. Gilman asked where the water would go when it is pumping.

Mr. Harp stated that is one of the things he wanted to talk to Mr. Gilman about.

Mr. Gilman stated ok because they do not want to create a wet area that soften the roads or anything like that. He is not sure about the ditches, he supposes it will probably go north, but it might end up in a couple of fields and he is not sure about how many gallons they are talking.

Mr. Harp stated the plans for the test well are not finalized. There is stuff that still needs to be addressed.

Mr. Gilman stated ok. He asked if they were looking at a pump of 125 gallons per minute for that.

Mr. Harp stated yes, not more than that. They currently use less than 90 on their average month maybe around Labor Day or so it might peak up to around 110. However, they have been recently fixing things throughout the system getting rid of leaks and stuff. They dropped from 115,000 gallons per day to 90,000 gallons per day.

Mr. Gilman stated but that could change in the future. They could depend on that more.

Mr. Harp stated it would have to buck the long-term trend quite a bit but yes.

Mr. Gilman stated yes and that is about all the questions he had written down.

Mr. Leonard asked you referred to the possibility of running the lines down the easement. He stated he is a rural property owner and all those country roads, he owns to the center of the road, there is an easement for road purposes, so to say you can just run it down any easement for the road, you would still have to deal with the local property owners. He stated you may have eminent domain to do that, but he thinks they have a long way to go.

Mr. Harp stated yes, there is a long way to go definitely. They cannot just go out there because there is a roadway easement and because there is a road there we can put a water main down there. No, we cannot do that. He stated they do have to come back and negotiate with all property owners who go out to the center of road.

Chair Lamont asked if there were any questions.

Chair Lamont stated she would like to table this. There is a lot of grey area and many unanswered questions.

Mr. Koretke asked if they could hear Ms. Hoffman's finding of facts first and tell them what she as administrator thinks of the questions raised on especially, his problem is the road commissioner's job is to make sure that is a safe intersection so if the trees are a problem already, he can take that up with the property owner. The size of the structure is important, but they are being asked to grant the variance, not approving a well, we are only being asked for approval of the variance for a structure. He would like to hear what Ms. Hoffman has to say and maybe Mr. Baggett.

Mr. Baggett stated that he has some notes and questions that he will need to go back and research later. The chair had indicated she would be moving to table this so assuming that is passed there would be some time to come back with an answer for the board. The question Mr. Baggett is concerned with is to what extent does the Zoning Board of Appeals have jurisdiction to consider the purposes of what is ultimately going to be done with the property once the variance is passed, making the assumption that it is passed, it very well may be that the intended use of the property is a proper concern for the ZBA to concern itself with and to make decisions on. He has some concerns, and again, he has to do some further research to determine if they are valid as to

whether that is beyond the scope of the ZBA's jurisdiction at this point because as Mr. Koretke indicated, the question here is whether to grant a variance, not whether to permit a well, not whether to allow for the water main to run along a township road easement or right of way. So he has some concerns as to whether the ZBA may be digging a hole for itself, no pun intended, if it makes a decision to deny the petition for variance based on the intended use when that may ultimately be outside the scope of the ZBA's concerns. The chair had anticipated making a motion to table. As he is sitting here thinking through the issues, he thinks that is a well taken position. It would give him time to conduct some legal research to advise the board before it makes a decision as to whether or not it can concern itself with some of what has been presented here today. He said it is entirely possible if not probable that this is well within the board's zone of concern but he wants to verify that before a decision is made.

Mr. Koretke asked Mr. Baggett if he would also advise Ms. Hoffman, she may change her statement....

Mr. Baggett stated absolutely and Ms. Hoffman and himself also had a side discussion during the course of this hearing, he is not sure that she is prepared today to make a recommendation as zoning administrator as to what the board should do. He thinks that may hinge to some degree on what he is able to determine as far as whether the ZBA should concern itself with this.

Ms. Hoffman stated there is definitely concerns that were brought up today that was not brought up before. Questions that she had prior to going into this and she does not feel comfortable making a statement at this time for a recommendation.

Chair Lamont made a motion to table this hearing until the next scheduled date of April 5, 2017. She asked Mr. Baggett if that date would work for him.

Mr. Baggett stated that is sufficient time and he knows that the ZBA is not typically wanting to meet in the middle of the month so pushing it one month should be sufficient for him and he thinks it would keep in line with the normal practice of the board.

Ms. Hoffman stated that works for her also.

Chair Lamont made the motion to table this petition until the next scheduled date of April 5, 2017, seconded by Andy Freeland. All members present voting, Aye. Motion carried (5-0).

Mr. Harp stated he thinks this is a great idea. There are obviously many issues that still need to be worked out.

Ms. Hoffman addressed the public to let them know the date of the next Zoning Board of Appeals meeting on April 5, 2017.

Chair Lamont asked about the other two petitions on the agenda for Village of Harristown. She asked if they should be held also.

Mr. Baggett stated that is the board's discretion but he thinks that is advisable.

Ms. Hoffman stated all three of these petitions went together, they needed a variance to change the minimum lot size, a variance for the setback and they needed a special use permit for the use of the land. She stated it is probably a good idea to table each one, but is the board's decision.

Chair Lamont made the motion to table all three petitions until the next scheduled date of April 5, 2017, seconded by Blake Noland. All members present voting, Aye. Motion carried (5-0).

- 5.4** 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

Chair Lamont swore in Mr. Pilcher.

Jonathan Pilcher
4330 Camp Warren Lane
Decatur, IL

Mr. Pilcher stated he is here representing John and Diana Freeman requesting a setback change. He stated he needs 15 feet for a garage. He pointed out on the map what he is proposing to do.

Mr. Koretke asked if he would be going beyond the house line.

Mr. Pilcher stated yes. He believes the garage itself will be 26 feet from the property line. He stated the previous owner put up a fence and he spoke with the farmer to the rear of the property. The farmer and the previous homeowner said this looks like a good place for a fence and it was erected on the farmer's property so the previous owner had to go back and buy along a line (he pointed on the map). He stated this is all taken care of and is the current owner's property now.

Mr. Koretke asked about the survey stakes. He stated he drove by and saw the survey stakes.

Mr. Pilcher stated yes.

Chair Lamont asked for any questions. There was none.

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

Petition: For a Variance requesting for a minimum rear setback to be changed from 40 feet to 25 feet in (R-1) Single Family Residential Zoning.

Parcel Number: 17-12-33-326-023

Location: This property is commonly known as 3395 S. Taylor Road in South Wheatland Township.

Zoning: R-1 Single Family Residential Zoning

Acreage: .97 Acres

Finding of Facts

- Petitioner wants to build a room addition onto the existing house. However, the addition is only going to be 25 feet off the rear property line.
- The variance is needed to allow the room addition to be built closer to the rear property line. Under the Macon County Zoning Ordinance, Section 155.183 states in R-1 Single Family Residential zoning the rear setback for a primary structure shall be 40 feet from the rear property line.
- 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 a minimum rear setback to be changed from 40 feet to 25 feet in (R-1) Single Family Residential Zoning.

Donald Wilson 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 are any petitions for next month.

Ms. Hoffman stated yes, there was already a variance on the docket and now with tabling the three petitions for Village of Harristown, there are three variances and a special use permit.

ADJOURNMENT: Donald Wilson made the motion to adjourn; Andy Freeland seconded. All members present voting, Aye. Motion Carried. (4-0). Meeting adjourned at approximately 9:30 A.M.

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