

**MACON COUNTY ZONING BOARD OF APPEALS**

**HEARING MINUTES – September 4, 2019**

**MEMBERS PRESENT**

Barb Lamont, Chair  
Ron Grider  
Adam Brown  
Ed Leonard, Alternate Member #1  
Dennis Hughes, Alternate Member #2

**COUNTY PERSONNEL PRESENT**

Jennifer Gunter, Planning & Zoning Director  
Tracy Sumpter, Planning & Zoning  
Debra Kraft, County Board Member

**MEMBERS ABSENT**

Blake Noland  
Andy Freeland

Chair Barb Lamont called the meeting to order at 8:30 and announced that if anyone was here for V-02-09-19, Bryan White/Margie Arndt, it has been withdrawn.

**MINUTES**

Dennis Hughes made the motion to approve August 7, 2019 minutes, seconded by Ed Leonard. All members present answering, Aye. Motion Carried (5-0).

**OLD BUSINESS:**

- 4.1** Vote for new vice chair of Zoning Board of Appeals.

Mrs. Gunter stated the new vice chair is Ron Grider.

- 4.2** R-01-08-19 a petition filed by Michael Smith requesting to rezone approximately .23 acres from (A-1) Agricultural Zoning to (R-1) Single Family Residential Zoning. The property is commonly known as 8791 Bethel Road, Blue Mound, IL 62513  
PIN 15-15-28-100-010

Mrs. Gunter stated Zoning Board of Appeals approved the petition August 7, 2019, EEHW approved August 22, 2019 and it goes to full County Board September 12, 2019.

- 4.3** V-02-08-19 a petition filed by Greg James Haarman requesting a variance to change the required road frontage from 60 feet to 50 feet in (R-1) Single Family Residential Zoning. The property is commonly known as 2197 Spring Lane, Decatur, IL 62521  
PIN 17-12-28-176-001

Mrs. Gunter stated Zoning Board of Appeals approved the petition August 7, 2019.

- 4.4** R-03-08-19 a petition filed by Tyler Smock requesting to rezone approximately 4.06 acres from (R-4) Single Family Residential Zoning to (RE-5) Single Family Estate Zoning. The property is commonly known as 7925 Fort Daniel Road, Decatur, IL 62521  
PIN 12-17-01-177-002

Mrs. Gunter stated Zoning Board of Appeals approved the petition August 7, 2019, EEHW approved August 22, 2019 and it goes to full County Board September 12, 2019.

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

**NEW BUSINESS:**

- 5.1** V-01-09-19 a petition filed by Kassie Saeger requesting a variance to change the required side setback from 10 feet to 8 feet in (R-1) Single Family Residential Zoning. The property is commonly known as 5401 Ryan Drive, Oreana, IL 62554  
PIN 18-08-23-176-025

Kassie Saeger  
5401 Ryan Drive  
Oreana, IL 62554

Ms. Saeger stated they would like to build an additional garage on their property. They did not realize when they bought the house; the property lines were a little wonky. She pointed her property out on the map. Their driveway actually cuts across the property line. They would like to put a garage on the East side of the house. They have talked to their neighbor (Steve) and he is ok with this.

Mrs. Gunter asked Ms. Saeger to confirm the garage would be on their own property.

Ms. Saeger stated yes it would be on their property but closer than the 10 feet required.

Adam Brown asked if it was the neighbor to the East that she spoke of.

Ms. Saeger stated yes. The property dips a little, so his home is on a lower grade than hers.

Adam Brown asked if there were any runoff or drainage issues to the East. He said obviously if you build more; you will have more water shedding to the East.

Ms. Saeger stated she does not think so. It is all wooded area.

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

Petition: For a Variance, requesting the required side setback be changed from 10 feet to 8 feet in (R-1) Single Family Residential Zoning.

Parcel Number: 18-08-23-176-025

Location: This property is commonly known as 5401 Ryan Drive in Whitmore Township.

Zoning: R-1 Single Family Residential Zoning

Acreage: 1.58 Acre

**Finding of Facts**

- The landowner wants to build an additional one-stall garage onto the side of her existing garage.
- The variance is needed to allow the garage to be build closer to the side property line. Under the Macon County Zoning Ordinance, Section 155.183 states the side setback for R-1 Zoning needs to be a minimum of 10 feet.
- We have received 1 letter of support for the petition.
- 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: 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 required side setback be changed from 10 feet to 8 feet in (R-1) Single Family Residential Zoning.

Ed Leonard made the motion to approve the petition, seconded by Adam Brown. All members present voting, Aye. Motion carried (5-0).

- 5.2** V-02-09-19 a petition filed by Bryan White for Margie Arndt requesting a variance to change the required front setback from 35 feet to 6 feet in (R-2) Single Family Residential Zoning. The property is commonly known as 4935 S Taylor Road, Elwin, IL 62532  
PIN 17-16-04-277-006

**This petition was withdrawn.**

- 5.3** V-03-09-19 a petition filed by Harold Barringer requesting a variance to change the required front setback from 35 feet to 6 feet 5 inches in (R-2) Single Family Residential Zoning. The property is commonly known as 5859 John Street, Boody, IL 62514  
PIN 02-15-11-277-014

Cole Bromlee  
5859 John Street  
Boody, IL 62514

Mr. Bromlee stated he does not own the house yet, is in the process of purchasing. He would like to close in an existing porch to make a room for his children. It measures 8x16.

Chair Lamont asked if the foundation is already there.

Mr. Bromlee stated yes.

Mrs. Gunter asked how long the foundation has been there.

Mr. Bromlee stated he was not sure; it was there when he moved in.

Chair Lamont stated she saw there was a foundation, she was not sure...

Ron Grider asked if he would be getting any closer to the street.

Mr. Bromlee stated no, everything would be right in line with the existing porch.

Ed Leonard asked how far it is from the street.

Mr. Bromlee stated he is not exactly sure, but it will be the same as what is there right now, it will not come out any further than it is.

Mrs. Gunter stated his property line goes pretty far into his front yard. This is Boody and the lots were really small back then. She stated the variance he is asking for is a 6.5 feet, it is actually a lot more from the street, because he has 15 – 20 feet before you get to the street. When she

went out to take a look at it, her concern was being that close but then she found out exactly where the front property line was at, he has a lot more. She added we go by property lines, so that is what we have to measure from for setbacks, not from the street because you always have to give that right of way.

Marcia Potrafka  
Blue Mound Township Supervisor  
5758 Railroad Street  
Boody, IL

Mrs. Potrafka stated she is familiar with the property and in the last hearing she attended, there was a drainage issue in that area. She stated that has been resolved. She stated what Mr. Bromlee is wanting to do will improve his property and that area. The township has no objection, the road district has no objection. She stated it is an improvement on an existing foundation and they are in support of it.

Debra Kraft asked so the foundation was already there for this porch.

Mrs. Potrafka stated yes, for a porch, and he would like to enclose it and make it a room.

Mr. Bromlee stated this is an actual foundation, it has a basement.

Debra Kraft asked shouldn't there have already been a variance.

Mrs. Gunter stated this is a property she believes the previous administrator had problems with and it, she cannot speak out of turn directly because there is no file on it in her office, but she thinks it may have been poured without a permit. That is why she asked how long it had been there. She has looked at the foundation and it does not have any cracks or anything like that. This was all done before her.

Debra Kraft stated she just could not quite grasp the purpose.

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

Petition: For a Variance, requesting the required front setback be changed from 35 feet to 6.5 feet in (R-2) Single Family Residential Zoning.

Parcel Number: 02-15-11-277-014

Location: This property is commonly known as 5859 John Street in Blue Mound Township.

Zoning: R-2 Single Family Residential Zoning

Acreage: .26 Acre

## Finding of Facts

- The landowner wants to build a room addition on the front of their home.
- The variance is needed to allow the room addition to be build closer to the front property line. Under the Macon County Zoning Ordinance, Section 155.183 states the front setback for R-2 Zoning needs to be a minimum of 35 feet.
- 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: 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 required front setback be changed from 35 feet to 6.5 feet in (R-2) Single Family Residential Zoning.

Ron Grider stated he does not have a problem with them doing this but how will this work on paper where he is building on something that does not have a permit for the footing.

Mrs. Gunter stated this is putting the cart before the horse and she is trying to make it right moving forward.

Ron Grider stated as long as everything is good with him and he does not have a problem later on that this was not inspected.

Mrs. Gunter stated she had talked with Mr. Bromlee's uncle, the original owner of the house, he had told her it had been there for about 10 – 15 years.

Ed Leonard stated she inspected the concrete though and is comfortable with it.

Mrs. Gunter stated this was all done when Tony was here, she does not know.

Ed Leonard asked if she has seen it though.

Mrs. Gunter stated yes, she has seen it the way it is now; she has not actually seen the footings in the ground.

Mrs. Potrafka stated she believes the concrete has been there closer to 20 years.

Mrs. Gunter stated this is probably something that was overlooked back in the day and just making it right. If someone else sees it, and thinks she is just going to let him build on that, we are setting a precedence and making them follow the rules, being fair to people.

Ed Leonard made the motion to approve the petition, seconded by Ron Grider. All members present voting, Aye. Motion carried (5-0).

**CITIZENS COMMENTS:** Mrs. Potrafka stated the board is doing a great job.

Chair Lamont wanted to update the members who missed last month's meeting. She is having a problem with the members not calling in if they will not be here. She would like them to contact Jennifer or Tracy and inform them if they will be missing a hearing.

Ed Leonard stated he simply forgot to look at his calendar last month.

Chair Lamont asked Mrs. Gunter if the board has anything for next month.

Mrs. Gunter stated we have one for next month.

**ADJOURNMENT:** Ron Grider made the motion to adjourn; Dennis Hughes seconded. All members present voting, Aye. Motion Carried. (5-0). Meeting adjourned at approximately 8:50A.M.

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