

MACON COUNTY ZONING BOARD OF APPEALS

HEARING MINUTES – October 2, 2019

MEMBERS PRESENT

Barb Lamont, Chair
Ron Grider
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
Adam Brown

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

MINUTES

Dennis Hughes made the motion to approve September 4, 2019 minutes, seconded by Ed Leonard. All members present answering, Aye. Motion Carried (4-0).

OLD BUSINESS:

- 4.1 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

Mrs. Gunter stated Zoning Board of Appeals approved this petition September 4, 2019.

- 4.2 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

Mrs. Gunter stated Zoning Board of Appeals approved this petition September 4, 2019.

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

NEW BUSINESS:

- 5.1 R-01-10-19 a petition filed by Andrew & Allison Smith requesting to rezone approximately 5 acres from (R-1) Single Family Residential Zoning to (RE-5) Single Family Estate Zoning. The property is commonly known as 4755 Bentonville Road, Decatur, IL 62521
PIN 09-13-32-426-003

Allison Smith
4755 Bentonville Road
Decatur, IL 62521

Mrs. Smith stated they purchased the property in August. The listing said “five acres for horses and you too”. They came to find out the property is not zoned for horses. The realtor and the previous owner believed it was based on the uses of the homes in the area. She stated 4777 Bentonville currently has horses, they are adjacent neighbors and she pointed this out on the map. She also pointed out on her property where there is currently a fence and stated they will put up a second fence to keep the horse in and away from traffic. Their property is mostly tree lined so she does not think anyone will even notice the horse is there. The back portion of their property, they plan to use as a hay field. They are putting up a new pole barn and they plan to put an addition on the house next spring to raise the property value. She stated as far as affecting the property value of surrounding homes, she really does not think it will. The next door neighbor has barns and outbuildings that are falling down. Another property (she pointed out on the map) is pretty cluttered. She really does not think that one little horse will affect the property value considering the condition of the neighbor’s property.

Chair Lamont asked how many horses they plan on having.

Mrs. Smith stated just one, her name is Peaches. She is their family pet. She has had horses for 30 years and they only purchased this property assuming they could have horses there. She does not feel like they were lied to, she feels like the realtor and previous owners did believe it was suitable for horses. As far as benefiting Macon County, their taxes will obviously increase. She feels like that is probably a benefit also. She stated she has pictures if the board would like to look at them. She added that 5101 Bentonville, which is down the road, they also have horses.

Ron Grider asked Mrs. Gunter if the other properties Mrs. Smith mentioned as having horses, are they zoned for that.

Mrs. Gunter stated her office is complaint driven. The R-1 zoning is not permitted for horses. However, she does not go looking for trouble. If she receives a complaint, she has to answer it. There are plenty of places in the County that are not zoned for horses but do have horses. As far as this property, this is a realtor that did not do her homework. She gets this often, people buy a property and do not think to call the office. Because they hire a realtor...

Mrs. Smith stated well yes, the previous owners and realtors told her that and she just took them on their word.

Mrs. Gunter stated this is another example where they were not given the correct information. However, to answer Ron's question, the others are zoned R-1 also. She stated people buy houses and move horses in all the time. However, if they do not know or it is portrayed to them as the property has five acres, you can have horses, and then someone purchases the property and just puts them out there. That is why she said her office is complaint driven.

Chair Lamont asked Mrs. Smith if they obtained a permit for their barn.

Mrs. Smith stated yes and they will for the addition and the fence.

Dennis Hughes asked the width of the properties.

Mrs. Smith stated she thinks 165 feet.

Chair Lamont stated she was out there and looked at it. They are narrow lots.

Mrs. Gunter stated their barn is only 16 feet wide because when Mr. Smith came in, he had stated he was going to have horses and that is when they realized the zoning was wrong. In the ordinance, a barn has to be 75 feet from all property lines so they had to make their barn only 16 feet wide but long to fit on the property to house the horse.

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

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

Parcel Number: 09-13-32-426-003

Location: This property is located at 4755 Bentonville Road in Long Creek Township.

Acreage: 5.0 Acres

Zoning: R-1 Single Family Residential

Finding of Facts

- This is a rezoning from (R-1) Single Family Residential Zoning to (RE-5) Single Family Estate Zoning.
- The rezoning is needed for the keeping of livestock to conform to Macon County Zoning Regulations. The Macon County Zoning Ordinance Section 155.118 states the permitted uses in for parcels zoned (RE-5) Single Family Estate Zoning.

- The surrounding properties are zoned: (R-1) Single Family Residential to the north, east and west. Municipal zoning to the south.

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** for rezoning, approximate 5.0 acres from (R-1) Single Family Residential to (RE-5) Single Family Estate Zoning.

Ed Leonard made the motion to approve the petition, seconded by Ron Grider. All members present voting, Aye. Motion carried (4-0).

CITIZENS COMMENTS: None.

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

Mrs. Gunter stated we might potentially have one variance for next month.

ADJOURNMENT: Ron Grider made the motion to adjourn; Dennis Hughes seconded. All members present voting, Aye. Motion Carried. (4-0). Meeting adjourned at approximately 8:42 A.M.

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