

MACON COUNTY ZONING BOARD OF APPEALS

HEARING MINUTES – November 6, 2019

MEMBERS PRESENT

Barb Lamont, Chair
Ron Grider
Blake Noland
Adam Brown
Dennis Hughes, Alternate Member #2

COUNTY PERSONNEL PRESENT

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

MEMBERS ABSENT

Andy Freeland
Ed Leonard, Alternate Member #1

Chair Barb Lamont called the meeting to order at 8:30 and announced that V-02-11-19, a petition filed by David Corman, had been withdrawn.

MINUTES

Blake Noland made the motion to approve October 2, 2019 minutes, seconded by Dennis Hughes. All members present answering, Aye. Motion Carried (5-0).

OLD BUSINESS:

- 4.1 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

Mrs. Gunter stated Zoning Board of Appeals approved this petition October 2, 2019, EEHW approved October 24, 2019 and it goes to full County Board November 14, 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-01-11-19 a petition filed by Angi Cooper requesting a variance to change the required front setback from 35 feet to 20 feet in (R-1) Single Family Residential Zoning. The property is commonly known as 1909 W Ash Ave, Decatur, IL 62526
PIN 07-07-28-301-005

Angi Cooper
1909 W Ash Ave
Decatur, IL 62526

Ms. Cooper stated she is requesting the variance on the east side of her home. She would like to add a two-car garage, she currently has a one car attached garage, but she would like to increase this to a two car and put a second bath and laundry room behind the garage. This would require them going 14' off the existing garage

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

Petition: For a Variance, requesting to change the required front setback from 35 feet to 20 feet in (R-1) Single Family Residential Zoning.

Parcel Number: 07-07-28-301-005

Location: This property is commonly known as 1909 W. Ash Avenue in Hickory Point Township.

Zoning: R-1 Single Family Residential Zoning

Acreage: .50 Acre

Finding of Facts

- The landowner wants to build onto the attached garage on the east side of the house plus build a room addition on the back of the structure.
- The variance is needed to allow the house addition to be built closer to the front property line. Under the Macon County Zoning Ordinance, Section 155.051 (B)(4)(b) states on corner lots, the street side setback shall be the same as the front yard setback which would be required for a principal building fronting on that street.
- The office received one 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 front setback from 35 feet to 20 feet in (R-1) Single Family Residential Zoning.

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

- 5.2 S-03-11-19 a petition filed by James Knierim requesting a special use permit for the operation of a trailer sales business in (A-1) Agricultural Zoning. The property is commonly known as 4480 W Elwin Road, Decatur, IL 62521 PIN 02-15-01-200-012

James Knierim
4480 W Elwin Road
Decatur, IL 62521

Mr. Knierim stated he would like to give a little background information to the board first. He said this is a father and son endeavor. His dad is 82 years old and has operated a car lot for over thirty years. He has gotten to the point where he cannot get up and go to the facility anymore and he would like to downsize. Having a car lot, he was always the person who worked on everything himself. He cannot do that anymore. Mr. Knierim stated in thinking of something to keep his dad busy who is wanting to continue to have a reason to get up and get going in the morning, they decided hoping to get him back home where he lives, they would like to take an area of the property (which he pointed out on the map), and have ingress and egress off of Elwin Road. They would build a small building (office) and rock the area for trailer sales. He stated trailer sales gets him away from having to work on vehicles, painting, mechanical, it will just be them buying the trailers, having them shipped in, and retail for sale. He did include some examples of other trailer sales. One of the largest ones in central Illinois is over by Arthur. It was started the exact same way, on family land, and it has since outgrown that location and has over 600 trailers on it right now. He did a little research going around looking for trailer sales in Macon County and he states it is limited. If somebody wants to buy a trailer, they are limited to Rural King, Farm & Fleet, or Brown's Toppers. Brown's Toppers did expand, they did only have three or four and they now have around ten or twelve. So they have expanded their trailer sales, but it is very limited. His goal is to have some small, maybe eight to twelve feet trailers all the way up to maybe some enclosed trailers eventually. No larger than twenty foot car trailers to begin with. He is hoping the business will grow. Obviously, it is right on the highway, it will have a lot of frontage and they will be able to get many customers there. He does not believe it will impact anything as in travel, because their ingress/egress will be off Elwin Road. He stated this area is not new to businesses, one property in the area was a dog kennel business for approximately 40 years. He stated the buildings are still there, so they could re-open. He doesn't think the current owners have any plans but it is always a possibility for growth in the area.

Chair Lamont asked if there is a minimum setback from the highway.

Mrs. Gunter stated no, because it is not a structure. Mr. Knierim stated there would be a small building on the property and that would need to meet setbacks. It would need to be fifty feet from both Route 48 and Elwin Road.

Mr. Knierim also wanted to point out that he proposed a permanent structure, if the board felt that since it is a special use permit, he also has looked into possibly using one of the portable offices. He just did not think that would look as well as a permanent building. But since it is a special use permit, he would do what is needed to meet the requirements.

Chair Lamont asked about utilities.

Mr. Knierim stated as far as utilities, he has spoken to an electrician who will run it. He stated it will come from a power pole near the house, drop down and go underground to the office building. Water will also be brought from the existing well. They will install a small septic because it is too far away to run. He pointed out on the map where the septic would be located. It is currently a hay field.

Chair Lamont asked how many acres they have.

Mr. Knierim stated it is 9.9 acres.

Blake Noland asked if this would need to be parceled as two different addresses to be any type of dealership. Or could it be special use and provide a separate address. He believes, when he went through the process himself six years ago with a trailer dealership, the state requires them to have a separate address from the residence. The address for the special use would be for the residence.

Mrs. Gunter stated if the County Board passes the special use permit, then he would just need to get an address for that corner where he is putting the business. You can have two addresses on one parcel. He would not need to parcel it out or anything like that, he would just need to obtain an address from E911.

Blake Noland stated he had two separate parcels within an area so he could easily have made one, but if it is special use, two separate addresses, same parcel, no problems.

Mrs. Gunter stated yes that is fine.

Ron Grider asked about the total acres.

Mr. Knierim stated 9.9 acres. He said the state came in and wanted to expand for a project and they ended up taking some of the land, which caused it to drop the acreage amount a little.

Ron Grider asked if he would have a problem with his setbacks on the south end of the property.

Mr. Knierim stated no he would not. He said they would not inhibit any view, to make sure people who turn off Elwin Road, they would keep it setback anyway. Obviously, any trailers that sit out there, the property is actually lower than the road itself and they would never put an enclosed trailer out there to block any view.

Bobetta Crackel
5020 S State Route 48
Decatur, IL 62521

Ms. Crackel stated she does not mind if Mr. Knierim sells trailers, but what she objects to is she does not want the land changed from farmland to commercial because if the property were to be sold, you don't know what could come in there. She stated she does not know what a special permit is.

Mrs. Gunter explained that a special use permit runs with the person and not the land. If anything would happen to Mr. Knierim, then the special use permit would end. If Mr. Knierim's son wanted to continue the trailer sales; he would need to go through the special use permit process. So, it just goes with the person, if the property is sold or something then the special use permit is invalid. That is why we have special use permits, so the county still has control of it. She explained there is a time limit, this will be set for a two-year period and if we were to get a lot of complaints, then the county does have the ability to pull the permit.

Ms. Crackel confirmed that it would remain farmland.

Mrs. Gunter stated yes. We are not changing the zoning; it is just a special use permit to allow him to be able to do this.

Ms. Crackel stated she does not care about that, she just did not want the zoning changed.

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

Petition: Special Use permit for the operation of a trailer sales business in (A-1) Agricultural zoning.

Parcel Number: 02-15-01-200-012

Location: This property is commonly known as 4480 Elwin Road in Blue Mound Township.

Acreage: 9.90 Acres

Zoning: A-1 Agriculture

Finding of Facts

- A special use permit is needed because the Macon County Zoning Ordinance (Section 155.008) defines a special use as a use, either private or public, which, because of its unique characteristics, cannot be properly classified as a permitted use in any particular district or districts. Therefore the Special Use Permit is needed because this property is zoned A-1 Agricultural Zoning.
- There is no floodplain 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: The zoning board may approve the petition as submitted or deny or modify as appropriate. Staff recommends approval with the following 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. Employees shall be family members only.
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 remain subject to all other applicable local, county, state, and federal regulations. Failure to do so will result in revocation of this special use permit and it will be effective immediately.
6. Hours of operation for the business is 8:00 a.m. to 5:00 p.m. for 6 days a week.
7. This special use permit shall be for a 2 year period beginning December 12, 2019 and ending December 9, 2021.

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

CITIZENS COMMENTS: None.

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

Mrs. Gunter stated we have two petitions for next month.

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

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